Questions and Answers.

Statement referred to in the answer by the Hon'ble Mr. Samman to question No. I (unstarred) asked by the Hon'ble Maharaja Ranajit Sinha of Nashipur at the Council Meeting of the 6th April, 1915.

LIST OF SANITARY PROJECTS SUBMITTED BY THE SANITARY BOARD DURING 1914-1915.

	Project.	Nature of project submitted.	Orders passed by Government.
1	Water-supply, Dacca Municipality ...	Sketch project ...	Administrative approval given.
2.	Improvement of sanitation, Munshiganj ...	Ditto ...	Ditto ditto.
3.	Water-supply, Riparian Municipalities (combined scheme).	Ditto ...	Still under the consideration of Government.
4.	Water-supply, Madaripur Municipality ...	Ditto ...	Ditto ditto.
5.	Combined drainage and water-supply improvement scheme, Mymensingh Municipality.	Ditto ...	Ditto ditto.
6.	Water-supply extension, Narainganj Municipality.	Detailed project	Sanctioned. Government gave a contribution of Rs. 1,00,000 against the total estimated cost of Rs. 1,70,000.
7.	Water-supply, Uttarpara Municipality ...	Ditto ...	Sanctioned. Government gave a contribution of Rs. 44,815 against the total estimated cost of Rs. 1,30 546.
8.	Drainage, Kurigram	Ditto ...	Sanctioned. Government gave a contribution of Rs. 2,000 against the total estimated cost of Rs. 8,275.
9.	Water-supply, Satkhira Municipality ...	Ditto ...	Still under the consideration of Government.
10.	Water-supply, Asansol Municipality ...	Ditto ...	Ditto ditto.
11.	Water-supply, Nator Municipality ...	Ditto ...	Ditto ditto.
12.	Drainage, Gaibanda	Ditto ...	Ditto ditto.

By the Hon'ble MAHARAJA RANAJIT SINHA of Nashipur :—

Dredging operations at the entrance of the Bhagirathi river.

II.—(*a*) Will the Government be pleased to state whether the dredging operations at the entrance of the river Bhagirathi are to be continued during the next financial year ?

(*b*) If so, what amount is likely to be spent for the purpose ?

The following reply by the Hon'ble MR. COWLEY was laid on the table :—

(*a*) "As at present arranged, dredging operations at the entrance of the river Bhagirathi will be continued during the next financial year. Government are, however, awaiting the receipt of a report from Major Hirst, who is now investigating the condition of the river.

(*b*) A sum of Rs. 11,000 has been provided for the purpose."

By the Hon'ble MAHARAJA RANAJIT SINHA of Nashipur :—

Small-pox in Calcutta.

III.—Will the Government be pleased to lay on the table a statement showing the number of seizures and deaths from small-pox in Calcutta from January till March, 1915, and for the corresponding period of the last three years ?

Questions and Answers.

The following reply by the Hon'ble MR. SAMMAN was laid on the table :—

"A statement showing the number of deaths from small-pox in Calcutta during the months in question is laid upon the table.

Accurate statistics for the number of seizures are not available, as many cases which recover are not reported."

Statement referred to in the answer by the Hon'ble Mr. Samman to Question No. III (unstarred) asked by the Hon'ble Maharaja Ranajit Sinha of Nashipur at the Council meeting of the 6th April, 1915.

STATEMENT SHOWING THE NUMBER OF DEATHS FROM SMALL-POX IN CALCUTTA FROM JANUARY TILL MARCH, 1915, AND FOR THE CORRESPONDING PERIOD OF THE LAST THREE YEARS.

MONTHS.	1915.	1914.	1913.	1912.
January	524	38	4	3
February	523	71	10	5
March	806	121	20	13
Total ...	1,853	230	34	21

By the Hon'ble BABU UPENDRA LAL RAY :—

IV.—Will the Government be pleased to lay on the table a statement showing the amount spent year by year for salaries of officers and costs of investigation in regard to the Fishery Department in Bengal for the years 1911 to 1914 ?

Costs of the Fishery Department in Bengal.

The following reply by the Hon'ble MR. KERR was laid on the table :—

"A statement giving the required information by financial years is laid on the table. Figures for the calendar years are not available."

Statement referred to in the answer by the Hon'ble Mr. Kerr to Question No. IV (unstarred) asked by the Hon'ble Babu Upendra Lal Ray at the Council meeting of the 6th April, 1915.

STATEMENT SHOWING THE EXPENDITURE ON ACCOUNT OF SALARIES OF OFFICERS AND INVESTIGATIONS IN THE FISHERY DEPARTMENT, BENGAL, FOR THE YEARS 1911-12 TO 1913-14.

	1911-12.	1912-13.	1913-14.	REMARKS.
Officers ...	7,500	13,599	16,449	
Establishment ...	1,889	1,392	2,300	
Allowances ...	5,542	5,907	8,707	
Total ...	14,931	20,898	27,456	
Other expenses ...	3,122	5,259	33,905	This represents the cost of investigation and other miscellaneous expenses.
GRAND TOTAL ...	18,053	26,157	61,361	

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZ-UL-HAQ :—

Establishment of hostels and boarding-houses for students.

V.—Will the Government be pleased to state—

(*a*) what were the amounts budgeted for expenditure under the head of "Establishment of Hostels and Boarding Houses for Students" during the financial years 1912-13, 1913-14 and 1914-15;

(*b*) what amount has actually been expended in this behalf during that time; and

(*c*) how much of this money has been spent for hostels and boarding-houses for the accommodation of Muhammadan students only?

The following reply by the Hon'ble MR. SAMMAN was laid on the table :—

(*a*) "No separate budget provision was made during the financial years 1912-13, 1913-14 and 1914-15.

(*b*) The amounts actually expended in this behalf are as follows :—

		Rs.
1912-13	... ...	5,47,579
1913-14	... ...	4,66,274
1914-15	... ...	7,81,364

(*c*) Out of the total expenditure on hostels, the following amounts were spent for hostels and boarding houses for the accommodation of Muhammadan students only :—

		Rs.
1912-13	... ...	58,497
1913-14	... ...	65,239
1914-15	... ...	86,380

These figures do not include the expenditure incurred on private hostels, but it was made a condition of the grant of aid to such hostels in most cases that 20 per cent. of the accommodation should be reserved for Muhammadans."

By the Hon'ble NAWAB BAHADUR OF MURSHIDABAD :—

Sinking of wells in the district of Murshidabad.

VI.—(*a*) Will the Government be pleased to state whether any borings have been taken in the district of Murshidabad with a view to sinking wells to tap subterranean springs for drinking and agricultural purposes, in the same way as has been done in the districts of Rajshahi and Sylhet?

(*b*) If so, will the Government be pleased to state where and how many such borings have been taken and with what results, and whether these operations are being still continued or not?

The following reply by the Hon'ble MR. SAMMAN was laid on the table :—

(*a*) & (*b*) "The answer is in the negative."

By the Hon'ble NAWAB BAHADUR OF MURSHIDABAD :—

Restoration of mosques and monuments in the city of Murshidabad.

VII.—Is it a fact that Government are taking steps for bringing certain mosques and monuments in the city of Murshidabad under the operation of the Ancient Monuments Preservation Act with a view to their complete restoration?

The following reply by the Hon'ble MR. SAMMAN was laid on the table :—

"Government are taking steps to bring certain mosques and monuments in or near the city of Murshidabad under the operation of the Ancient Monuments Preservation Act with a view to their preservation."

Questions and Answers.

By the Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF :—

Posting of Muhammadan Sub-Inspectors of Police to Alipore.

VIII.—Will the Government be pleased to state—

(*i*) why no Muhammadan Sub-Inspector of Police has been posted to the Alipore Reserve Force during the last 24 years ; and

(*ii*) why no Muhammadan Inspector of Police has been posted to the Subdivision of Alipore since 1909 ?

The following reply by the Hon'ble MR. CUMMING was laid on the table :—

(*i*) "No Sub-Inspector is sanctioned for the reserve force at Alipore. It is presumed that by ' reserve force,' the old ' armed reserve,' now called the ' fixed reserve,' is meant.

(*ii*) Inspectors of Police belong to a provincial cadre and are posted to particular charges according to the convenience and exigencies of the public service."

By the Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF :—

Certain statistics in regard to the Calcutta Police

IX.—(*a*) Will the Government be pleased to lay on the table a statement showing the number of—

(*i*) Inspectors,

(*ii*) Sub-Inspectors, and

(*iii*) Head Constables

in the Calcutta Police force, and how many of them are—

(*a*) Europeans,
(*b*) Anglo-Indians,
(*c*) Hindus, and
(*d*) Muhammadans ?

(*b*) Will the Government be pleased to state the number of vacancies under the heads (*i*), (*ii*) and (*iii*) in the years 1913 and 1914, and how these vacancies were filled up ?

(*c*) Were any untrained men taken on in these vacancies ?

(*d*) If so, how many of these were—

(*a*) Europeans,
(*b*) Anglo-Indians,
(*c*) Hindus, and
(*d*) Muhammadans ?

The following reply by the Hon'ble MR. CUMMING was laid on the table :—

"(*a*) The following statement gives the desired information :—

Classes.	No. of Inspectors.	No. of Sub-Inspectors.	No. of Head Constables.
Europeans	7	24	Nil
Anglo-Indians	10	14	Nil
Hindus	12	46	312
Muhammadans	2	21	151
Others (Bengali Christian)	1	1	Nil
Total ...	32	106	463
Vacancies	1	3	1
Sanctioned strength ...	33	109	464

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(*b*) The following table gives the information :—

	No. of vacancies.	How filled up.
1913.		
Inspector ...	1	By promotion of a Hindu Sub-Inspector.
Sub-Inspectors ...	9	All filled up by promotion of Sergeants and Sub-Inspectors, of whom 2 were Europeans, 4 Anglo-Indians, 2 Hindus and 1 Muhammadan.
Head Constables ...	9	In one vacancy a Muhammadan outsider was appointed and the remaining eight vacancies were filled up by the promotion of 2 Muhammadan and 6 Hindu constables.
1914.		
Inspectors ...	5	Two Europeans were appointed to two posts requiring officers of that class. Promotion was given to 2 Sub-Inspectors (1 Hindu and 1 Anglo-Indian) and 1 specially qualified Hindu Inspector was obtained from Bihar to start the training school.
Sub-Inspectors ...	31	Nine vacancies were filled up by the appointment of outsiders, of whom 1 was a European, 3 were Anglo-Indians, 2 were Hindus and 3 Muhammadans, and 12 by promotion of 6 European Sergeants, 3 Anglo-Indian Sergeants and 3 deserving Hindu Head Constables. For 10 posts officers were obtained from the District Police, of whom 4 were Muhammadans and 6 Hindus.
Head Constables ...	54	Fifty-one vacancies were filled by the promotion of 17 Muhammadan and 34 Hindu constables. In three vacancies Muhammadan outsiders were appointed direct.

By the Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF :—

Number of appointments as Sergeants in the Calcutta Police Force in 1913-14.

X.—(*a*) Will the Government be pleased to lay on the table a statement showing the total number of appointments as Sergeants in the Calcutta Police Force made in the years 1913 and 1914 ?

(*b*) How many of these appointments were given to—

(*i*) Europeans,

(*ii*) Anglo-Indians,

(*iii*) Hindus, and

(*iv*) Muhammadans ?

The following reply by the Hon'ble MR. CUMMING was laid on the table :—

(*a*) & (*b*) "Europeans and Anglo-Indians only are appointed to be Sergeants in the Calcutta Police Force. The following table gives the information required :—

	Number appointed in—	
	1913.	1914.
Europeans	63	66
Anglo-Indians	8	29
Total ...	71	95

By the Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF :—

Recruitment of Inspectors, Sergeants and Head Constables for the Calcutta Police Force.

XI.—Will the Government be pleased to state whether Sub-Inspectors, Sergeants and Head Constables, recruited for the Calcutta Police force from districts outside Calcutta, receive the necessary training before they are posted to thanas ?

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The following reply by the Hon'ble MR. CUMMING was laid on the table :—

"Sergeants are not employed in thanas. Sub-Inspectors obtained from the District Police are at once posted to thanas. Sub-Inspectors and Head Constables recruited otherwise than from the District Police are trained at the Police School at Dullundar."

THE BENGAL BUDGET, 1915-16.

THE HON'BLE NAWAB BAHADUR OF MURSHIDABAD said :—

"MY LORD,

I shall content myself with making a few general remarks on the Budget.

This year, which is signalised by the most expensive war ever waged, has opened inauspiciously in this province as in other sister provinces. The outstanding feature of the Budget this year unhappily shows, therefore, unmistakable traces of dislocation of all business and consequent shrinkage of trade and revenue as against the rapid expansion of public expenditure which had to be unduly but unavoidably restricted. And while there is not the slightest doubt as to the ultimate issue of the redoubtable conflict in which the British Empire is now engaged, great efforts are being made by Government and the people alike to weather out the economic disturbance caused by circumstances over which we have no control.

The public have, therefore, reason to be gratified with the careful and satisfactory character of the financial statement, and the Finance Member may well congratulate himself upon the very discreet and resolute course adopted by him in meeting the situation created by the war. This prudential Budget, if I may call it so, would, therefore, disarm much of the criticism which it would otherwise have encountered in a normal year.

On reference to the revised Budget for the current year, it will be seen with satisfaction that the actual opening balance was found to be nearly 93 lakhs better than what was anticipated. The revenue receipts, however, show a decrease of over 20 lakhs, which could only be made up for by heavy retrenchments in expenditure to the extent of 79 lakhs. The contraction of revenue during the present year is surely not entirely due to the war. Land revenue, which was expected to expand considerably this year, actually dropped by over 11 lakhs.

It is the jute trade that appears to have been hit the hardest by the war and is indirectly responsible for the decline of revenue under numerous heads, such as Land Revenue, Excise, Forest, Registration and also Irrigation due to stoppage of jute traffic in the canals. So have also the heads Stamps, Ports and Pilotage been adversely affected owing to the dislocation of trade in general caused by the war. The result has been not only a great diminution of trade receipts but also an almost all-round fall of revenue. These exceptional circumstances have necessitated extensive curtailments. No one will regret curtailments, but the curtailments of grants on Education and Sanitation, the two most vital necessities for the well-being of the inarticulate masses, are extremely deplorable. The urgent need of some aid to primary education and the necessity of finding funds for industrial subsidy to indigenous enterprises at an opportune moment when the Austro-German trade has collapsed, can hardly be overlooked. Unless education receives adequate encouragement at the hands of Government, it may give rise to general dissatisfaction.

In view of the increasing distress of the people, due to the ever-rising prices of grains in the country, there is no denying the fact that the economic resources of the masses have become extremely strained, the result of which

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is perpetual indebtedness of the people. And so I may safely say that the widespread distress experienced at the present moment is no exaggeration. The people have for some years past been steadily hoping against all hope of paying off the money-lender and steadily getting into debt more and more. All hopes of a solution of the present problem cannot be realised by the people themselves without the most eagerly-sought-for help of the benign Government.

There are obvious disadvantages in postponing or retarding the development of some of the incipient measures which have already involved a certain amount of costs and must consequently entail, besides great inconvenience and equally great disappointment, some undesirable wastage owing to their receiving sudden temporary check at present. And there are questions that seem fated always to make their appearance only to have their settlement relegated to some more favourable time that may not arrive. It is much to be wished unquestionably that the very welcome special Imperial gifts of the last two years with regard to Education, Sanitation and the Police should have been found possible to regrant. But as it is imperative that all other considerations at the present moment should be subordinated to the husbanding of the financial resources of Government, I am sure we shall loyally and resignedly accept them as unavoidably adverse effects of the great war for which there is no arguing with the Almighty, and that we shall only be too proud to bear a little share of the general burden along with the rest of the Empire.

In conclusion, my Lord, I do not for a moment wish to be understood to imply that the Government of India will ever treat your Excellency's Government unjustly when I say that the unexpended balances of the Imperial grants reserved or restricted this year should be held to the credit of your Excellency's Government to be drawn upon whenever a favourable atmosphere is re-established for resuming action more energetically than ever. And I feel sure that the spirit in which the great reforms are being tackled by your Excellency's Government gives the best possible assurance of their being brought to a successful conclusion within a measurable distance of time."

The Hon'ble NAWAB SYED HOSSAM HAIDER CHAUDHURI, KHAN BAHADUR said :—

"MY LORD,

I beg to congratulate the Hon'ble the Finance Member for the sagacity and foresight with which the Provincial Budget for the year 1915-16 has been framed and presented before the Council for adoption.

On comparing certain items in the statements, I regret to observe that an amount of expenditure of Rs. 1,03,000 has been estimated for High English Schools for girls, which is a far greater amount than that budgeted for Middle Vernacular Schools for girls, which is only Rs. 5,000. I consider Middle Vernacular Schools for girls to be more necessary in the agricultural districts of Bengal than High English Schools. I further beg to ask that the Government be pleased to consider the advisability of arranging for the teaching of some minor industry and meeting the cost of this undertaking by transferring a portion of the sum set apart for High English Schools for girls. I beg to remark further that no provision has been made in the estimates for Upper Primary Schools for boys, whereas Rs. 7,000 has been estimated for the Upper Primary Schools for girls. To this invidious distinction I respectfully beg to invite the attention of Government.

I venture also to submit for the consideration of Your Excellency's Government whether it is not justifiable to transfer a certain portion, out of the allotment of Rs. 3,59,000, estimated for the Presidency hospitals and dispensaries, towards the improvement of mufassal dispensaries, for which

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only an amount of Rs. 93,000 appears to have been budgetted—a sum to my mind quite inadequate. In connection with this, I venture particularly to bring to the notice of Your Excellency's Government the backward condition of the Comilla Charitable Dispensary. This dispensary is most unsatisfactory both as regards its equipment and accommodation. For instance, in the recent murder case at Comilla, the bullet-shot in the female patient could not be extracted for want of an X-ray.

My Lord, with these few observations I venture to urge for the improvement of the condition of the existing dispensaries situated in the outlying districts of Bengal.

General Education.—It is superfluous for me to attempt to prove the fact that with the increase of population, the need for general education has become greater. The well-meant endeavours of the State have always been employed towards popularising such educational schemes amongst the people which have as their aim the earning of an independent livelihood and the familiarising of the people of this country with all that is best and brightest in English life.

Primary Education.—I am glad to see that greater facilities have been given to the people in the matter of Primary Education which kindness and the benefits accruing from the course of instruction in this branch of education the people fully realise and appreciate. But there is one scheme, I think, that remains to be considered and that is the establishment of good schools in backward localities. This, of course, will necessitate increased recurring expenditure for the upkeep and repairing of these new schools. I would, therefore, venture to observe that a reasonable allotment of funds for the upkeep of all such new Primary Schools to be built in Eastern Bengal, and of schools proposed to be built in Western Bengal, be ear-marked for future years. But considering the financial outlook of the province, which appears to be so disquieting at present, I am not inclined to offer any suggestion for a specific amount under this head. As I have said, it will necessarily involve an additional outlay of expenditure, but I rest assured that through the renewed generosity of the Supreme Government it may be made possible to carry out such a programme in the near future.

Muhammadan Education.—There is no doubt that the prosperity and the moral and the material progress of the Muhammadan community depend almost entirely on the growth of education both in its higher and lower branches, and as the educational policy of Government is always progressive, our community expect, by way of encouragement, some additional grants for scholarships in the different stages of Muhammadan education. There is also a great need of hostels for Muhammadan boys, the liberal establishment of which will ensure the opening of a new chapter of progress in the interest and welfare of our community. I beg leave to suggest that steps be gradually taken for the establishment of a large number of maktabs all over the province, similar to primary schools, for improving the status of primary education among Muhammadan boys. I would further observe that a certain amount be specially devoted to making provision for the entertainment of competent additional Urdu teachers in those maktabs where the number of pupils reading in this subject is large. As there is hardly any time now to suggest an alteration in the budget, I hope that this proposal will not be lost sight of, and that effect will be given to the suggestion as soon as the necessary funds become available. The scheme drawn up by Sir Archdale Earle for the opening of Mianji training schools and the appointment of inspecting maulvis in the districts of Burdwan and Presidency Divisions might with advantage be extended to the Eastern Bengal districts. Such a step will, I am sure, succeed in attracting Muhammadan parents and guardians and encourage them to send their children more freely to these institutions.

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Industrial education.—Another suggestion, which, I venture to think, will be of the greatest value and good to the masses is that (with a view to making India more self-supporting and less dependent upon the resources of other countries, and with a view of the present necessity that has sprung up for placing the industrial efficiency of the country on a better and a more satisfactory footing) it seems imperative and necessary that the energies of the Government be concentrated towards promoting the growth of indigenous industries along with the development of agricultural education, and that with this object the Government be pleased to support the starting and pioneering of new industries by the establishment of industrial and commercial, or trade, schools in all important centres of the province, for the practical training and education of workmen. I respectfully urge on the attention of the Government the absolute need there is for a full and free discussion of this important subject, perhaps the most important problem which British statesmen are called upon to solve. The national regeneration of India cannot be a *fait accompli* unless we attempt at making our people potential factors in the national life of the country. My lord, we consider the British rule in India as a reign of good law, and that it is for the good of humanity and justice. And, strong in this confidence, I emphatically urge that systematic and well-organised endeavours be made to bring home to the people of this vast province the different industrial possibilities open to them. Attempts should be made to create new fields of livelihood for the young men of this province, and for the generations to come hereafter, and thus to render invaluable service towards the advancement of national industries. Though much has been done in many ways in the direction of national improvement, still there are many ways for further development of the latent resources of the country. The longer the expansion of our indigenous industries be delayed, the greater will be our difficulties in gaining for ourselves a recognised position among the nations of the world. Every true friend of Indian Nationalism will be bound to stimulate the idea of promoting the welfare of our great and homogeneous province in the various fields of labour. I submit my observations on this question for the best consideration of the Government, and in the true interest of our national progress as I feel that the need for the establishment of all kinds of industries in the land is growing in importance day by day.

Rise in the price of food-stuffs.—There is another important matter which I consider extremely grave, that is, the fluctuation in the price of food-grain and other eatables. The people experience an unpleasant surprise owing to the rise in the price of food materials and other necessaries of life, and a further rise might be followed with disastrous consequences. It is, I know, difficult to forecast whether the price will be higher or lower, as the future is uncertain and dependent upon circumstances beyond the control of Government. But it is necessary that the Government should have a strict control over the local markets and impose when necessary a reasonable price on food-grains, and adopt such precautionary measures as seem necessary for the prohibition of all private export of food-grains for at least some time to come from this part of our country.

Sanitation.—I need not say much on this matter as the policy of the Government is already laid down. I beg, however, to invite the attention of Your Excellency's Government to the desirability of bringing the milk-sellers and milk-cattle-keepers under the efficient control of the Health Department. They should be registered and a penalty imposed on those who are found to be in possession of adulterated milk. It would indeed be a strange reflection on our progressive administration that we should be wanting in a law penalising adulteration of important articles of food, such as milk, butter, ghee and such others. Your Excellency's Government would be deserving of special commendation from all sections of the public, if steps be taken to save the situation from becoming worse and to employ even stringent measures to correct the abuses which are a blot on our administration.

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Conclusion.—The useful reforms, which have brought about a most noticeable improvement in the general efficiency of the various departments, bear testimony to Your Excellency's far-sighted statesmanship and exceptional administrative ability.

Finally, I congratulate Your Excellency's Government for a careful supervision and a wise control over the affairs of the province during the year under review."

The Hon'ble MR. G. A. BAYLEY said :—

"MY LORD,

I regret that the Budget makes no provision for the long-expected grant to the port of Chittagong, and, with Your Excellency's permission, I would like to press the claims of this port.

Last year I had the honour to urge the financial needs of the port for funds to enable the river approaches to be put into a condition adequate to give sufficient depth of water for Ocean steamers at all times. Your Excellency's Government then gave hopes of early inquiry, but for one cause and another, and chiefly owing to the state of War, our expectations have not been fulfilled and no inquiry has taken place, and we are now, I regret to say, after the lapse of a year, no nearer a definite statement of the long-hoped-for relief Government is prepared to give.

We realize the enormous difference in the conditions of finance which the war has caused, but we do not understand why this should prevent a full consideration of our position and a declaration of the policy of the Bengal Government.

The value of the Chittagong port in relation to the welfare of the hinterland is beyond doubt. His Excellency Lord Curzon, when Viceroy, at a visit to the port in 1904, during his speech said : "We think that this expenditure is both in the interests of the port and the railway. The Government have spent enormous sums upon the latter and from the strictly business point of view the best chance of getting a due return for the outlay is to provide the proper facilities for the trade which it is in a position to create. I hoped that these announcements will put fresh heart into your people and will pave the way for the rise of Chittagong to what, in my opinion, is its natural destiny, viz., to be the principal outlet of the trade of Eastern Bengal and Assam," and this opinion has been repeated by other high-placed officials. Therefore, it is natural for us to wish to know whether the fostering of this port, which I have just mentioned as so necessary for the interests of a large, densely-populated. and wealthy part of your province, is to be undertaken by Your Government, or whether for financial causes this is impossible, in which case we can only look for aid from the Government of India.

The Port Commissioners have lately received from their engineer a progressive scheme for the improvements needed, which includes training works, revetment, and dredging, the cost of which is placed at about 72 lakhs of rupees ; in this scheme is included the dredger and hoppers to which I made reference last year as being of immediate necessity. The scheme can be spread over a number of years, but a yearly grant will be necessary, and it is the means for providing this for which we claim a hearing.

During the year there were four recorded cases of "Clan" line steamers being compelled to sail without full cargoes either to avoid being neaped or because of being neaped, and it is also true that cargoe has gone past the port, because such could not be accepted by the largest steamers of this steamship company for fear of navigation difficulties ; moreover, other steamships have met with similar troubles. The numbers of larger draught ships are yearly on the increase, but since the provision of the first dredger in

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1907, or eight years ago, no appliances for the deepening of the channel or for maintaining the existing depth have been provided. Further, as our one dredger has to proceed to Calcutta every year for overhauling and repairs, there is a period of some four or five months when nearly all the work of one year is liable to be wasted by fresh silt-forming.

The Calcutta Dockyard authorities have also just informed us that about Rs. 50,000 is necessary for replacement of worn out parts of the dredger, and also that the launch "Gekho" will require a new hull at a cost of nearly 1½ lakhs, which with the small grab dredger we are purchasing for Rs. 75,000, will require a sum more than our available balance.

I believe I am correct in saying that very large initial grants were provided by Government to the ports of Calcutta, Madras, Bombay, Karachi, and Rangoon in the early days when these ports were unable to raise loans to enable them to offer the facilities necessary to accommodate the trade, which legitimately was bound to be handled at each port, but the Chittagong port is only partly yet so provided. I, therefore, only ask for a similar treatment, and, in fact, unless a grant is soon made, the Ocean trade is bound to have a set-back. It is a well-known fact that ports assist the development of provinces, chiefly through the agency of railways, and as considerable sums have already been spent both on the port and on railway connections, is it not a pity to arrest such development by a failure to supply the funds which will eventually so amply repay the Government?

The representation I am making does not put forward any new facts; on the contrary, what I have said is well known to Your Excellency's Executive Council, and was also well known to the late Government of Eastern Bengal and Assam. The latter Administration naturally took a very great interest in the development of a port which was so closely connected with the progress of the province, and perhaps it is not known to Your Excellency that the arrangements for providing the second dredger had come to a head just prior to the close of the Administration of the Eastern Bengal and Assam Government, but that, since the Chittagong port has come under the Government of Bengal, the provision of the dredger, the need of which we had thought as conclusively proved, has unfortunately been postponed.

I, therefore, urge, my Lord, for an expression of opinion as to whether Your Government recognizes the possibilities for usefulness of this port as a means of development of the tract of country it should serve, as judging by the want of practical assistance of late years we are almost reluctantly forced to fear we are considered of little importance; further, if Your Excellency's Administration can undertake, in due course, the provision of the whole or a part of the funds requisite, or failing the possibility of this, whether Your Excellency's Government will press our necessity on the Government of India."

The Hon'ble MR. A. W. C. CHAPLIN said:—

"MY LORD,

I understand that 4½ lakhs have been allocated to the improvement of the Dooars Roads programme for expenditure during the current year, and I desire, on behalf of the Dooars, to thank Government for this provision and for the progress made towards this important work in the past year. I regret that it was not found possible to expend the full amount provided for in last year's Budget, but trust that this year, with the improved local organization that has recently been established, there will be no difficulty in carrying out the full programme for which funds can be provided.

While on the subject of communications, I trust your Excellency will permit me to draw the attention of Government to the inadequacy of railway communications in Northern and North-Eastern Bengal. Now that the

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Hardinge Bridge over the Ganges has been opened for traffic, what is most urgently required is an extension of the Eastern Bengal State Railway broad gauge to Siliguri. The present arrangement of transhipment of goods from the broad to the meter gauge at Santahar cannot adequately meet the requirements of this immensely important district and the hardship involved by passengers, bound for Darjeeling, the Dooars and Assam, having to break gauge at midnight at Santahar, is so great as to merit the serious consideration of Government. The delay in the Postal Service since the opening of the Hardinge Bridge, of which no doubt Government are fully aware, is another reason for the extension of the broad gauge. An extension to Parbatipur Junction in the immediate future would greatly improve the train service both for goods and passengers, and I trust your Excellency's Government will, in the interests of this Province, represent these matters to the Railway Board and to the Imperial Government.

I would like also to draw the attention of Government to the very reasonable and temperate complaints made by the Darjeeling Planters of the interference with their labour caused by the recruitment of their tea-garden coolies for police and other public purposes. During the Abor Expedition considerable numbers of transport coolies were, I believe, taken from the tea-gardens and much hardship to the local tea industry was thereby caused. I understand that the Bhutan Government, with the sanction of the Government of India, are about to lease out land for tea cultivation on their southern frontier east of the Sunkos river. If this is done, large numbers of Nepalese coolies from the Darjeeling and Dooars tea-gardens will undoubtedly be enticed over to the newly-opened area. This is a question I submit for the serious consideration of your Excellency's Government, as, unless something is done to protect their labour, recruited at great expense and difficulty, not only may the Darjeeling and Dooars tea industries be put to very great loss, but the revenue of these districts may also suffer by wholesale emigration of the nomad tribes who are at present opening out and cultivating the land at the foot of the hills in the Darjeeling and Jalpaiguri districts. I therefore ask your Excellency's Government to take such steps as may be necessary to protect these important revenue-producing interests.

The Hon'ble BABU SURENDRA NATH BANARJI said :—

"My Lord, the budget which we have to consider to-day is a war budget, marked by contraction of revenue and curtailment of expenditure. The revenue was less by 21 lakhs of rupees than what we had anticipated, and the expenditure was less by 83 lakhs of rupees than what had been budgetted for. There has been a large falling-off under some of the principal heads of revenue, for instance, Land Revenue, Stamps, Excise, Registration and even Irrigation, the last being due, as has been pointed out by the Hon'ble the Nawab Bahadur of Murshidabad, to the stoppage of traffic in jute over the canal area. My Lord, in consequence of the war, jute was very hard hit and it is the most important agricultural production of East and I may add of Northern Bengal, and it is not only the growers of jute who have had to suffer the most, but landlords, shop-keepers, money-lenders, I may say, all classes, all ranks had to participate in the pinch and the pressure due to the war. It was much to be wished that the authorities could see their way to finance the jute-growers at the time of crisis, but that was not done. My Lord, I have no idea as to the forecast of the jute produce for next year, but I am half afraid that the area of cultivation will be restricted and that rice will partly supplant jute. My Lord, but for the war, the Provincial Contract would have been revised and the new contract would have come into operation from the 1st of April. But that has not been done and it is impossible to do it owing to the war. After the war the Contract will be revised, and I do hope and trust that it will be so settled that Bengal will

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be a self-contained province able to stand upon her own legs, pay her own way, meet her growing requirements without the aid of those Imperial doles which, as Sir William Duke pointed out, is so disastrous to the stability of our finance. We must work up to fiscal autonomy and from that to provincial autonomy which has been promised under the Despatch of the 25th August 1911.

My Lord, I have already observed that there has been a decrease of expenditure in respect of certain items, mostly under education, the department in which we, the educated community, feel the deepest interest. My Lord, the decrease has been Rs. 83 lakhs. I am talking of the year 1914-15. The Education Budget provided for an expenditure of Rs. 1,43,45,000, but we were only able to spend 83 lakhs. In other words, 61 lakhs of the Budget provision were not spent. The whole amount of the unspent expenditure comes up to 83 lakhs. Thus it will be seen that nearly two-thirds of the total decrease of expenditure is under the head of "Education," and one-third of the money budgetted for was not spent under the same head. I desire to call the Hon'ble the Director of Public Instruction's attention to some of the items in the Education Budget. I invite his attention to page 18 of the Budget. I find there—

	Rs.
Government schools, general revised estimates for 1914-15 ...	20,29,000
Budget estimate	11,97,000

or about a half.

I think that is a very big drop, and I should like to know from my Hon'ble friend how he proposes to satisfy the requirements under this head by a reduction so great. Then, again, under grants-in-aid—

	Rs.
Revised estimate	27,53,000
Budget	15,00,000

Is my Hon'ble friend going to cut down the grants-in-aid to one-half? Lastly, I desire to call his attention to the lump provision for hostels in Calcutta, budgeted for 1914-15, Rs. 8,70,000, revised estimate none. That means that nothing was spent under that head in 1914-15. I think I am right, my Lord, in that assumption. And in the budget I find 8 lakhs of rupees. That means that 8 lakhs are to be spent in 1915-16. Well, I should like to have some information in regard to that matter. Are the hostels, connected with some of the great private colleges, as they are called, going to be completed? For instance, there is to be a hostel for the Ripon College, one for the Metropolitan Institution and one for the City College. The plans, I think, are ready, the land has been acquired, but nothing has yet been done, and I am quite sure my Hon'ble friend, the Director of Public Instruction, is at one with me in thinking that these hostels are a most important factor in the maintenance of that discipline which we should like to see enforced among our boys.

Then I come to the question of primary education. On page 53, I find that under the head of primary education—

	Rs.
Upper Primary schools	Nothing, and
Lower Primary schools	2,800

I presume that the grant for primary schools is really indicated in the grant made to the District Boards in support of local schools. I find that the Budget estimate for 1915-16 is fixed at Rs. 2,88,000. Now, my Lord

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from year to year, there has been a sensible increase under this important head. We have got the actuals of 1911-12, 1912-13, 1913-14 and 1914-15, five lakhs for 1911-12, Rs. 11,64,000 for 1912-13, Rs. 13,00,000 for 1913-14, and Rs. 2,88,000 for 1915-16. I do think that some sort of explanation is required in regard to this matter. I desire to express once again the earnest hope that my Hon'ble friend will soon be ready with his scheme for the spread of primary education. The demands of the public require to be satisfied in regard to this important matter. In regard to education and sanitation, being the two considerations, in which we, the educated community, feel the deepest interest, I have again to repeat the old complaint that the administrative machinery moves very slowly. You have got a Sanitary Board here presided over by the Hon'ble Mr. C. J. Stevenson-Moore, and on which there are some non-official Indian members, but we have no knowledge of its proceedings. They are involved in absolute secrecy. The Sanitary Board is not a diplomatic body in regard to which secrecy is necessary. Its proceedings ought to see the light of publicity. In their absence the general public seems to have a sort of notion that nothing has been done. My Lord, there is a persistent rumour that a scheme of water-supply is under preparation extending from Barnagore to Naihati. Will my Hon'ble friend in charge of the department take us into his confidence, open to us the gates of his prison-house, and let us know the secrets? I am quite sure if there is to be such a scheme that it will meet with the unstinted support and co-operation of the people of the 24-Parganas, who are prepared to submit to a little taxation for that purpose if they can get a good supply of water.

Passing from Education and Sanitation, I come to the Police. My Lord, I can only reiterate the old complaint which I made but last year that expenditure under this head is growing by leaps and bounds, but the improvement in the efficiency does not correspond with the increased expenditure. And I find that the European community shares the same feeling. The *Statesman*, I take it, is an exponent of European opinion, and in a recent article this is what the *Statesman* says :—"The Europeans have the same prejudice and never employ the Police if they can avoid the necessity of seeking their aid." There seems to be a sort of general distrust, and it is a matter of the first importance that it should be removed. My Hon'ble friend, the Maharaja of Burdwan, who is not here to-day in his place, suggested a commission to inquire into the matter. I do not know whether such a commission will lead to any useful and practical result, but I do know that what is wanted is a modicum of trust. The Police should trust us, and if they do so, I guarantee, my Lord, that we shall reciprocate their confidence with compound interest. That is human nature. But if you mistrust us, if you look upon us as so many suspects, we shall reciprocate the compliment in the same way. You will never command our trust unless you trust us—that is the secret of successful and beneficent administration. My Lord, with reference to the Police expenditure, I find that a sum of Rs. 45,000 has been budgetted for the re-organisation of the River Police. I am in entire sympathy with that measure, and I do hope that a portion of the money will be spent on steam-launches for patrolling the river Hughli both banks of which have been exposed to dacoities.

My Lord, I desire once again to repeat what was urged last time, viz., that the pay of the last grade of Munsifs should be increased. It is Rs. 200 now. There was a budget provision to the extent of Rs. 21,000 for raising their pay to Rs. 250, but nothing, I submit, has been done in the course of the year, and the provision has not been renewed. Now, my Lord, it seems to me to be very hard that when highly-paid members of the Indian Civil Service and of the Superior Police Service are allowed compensation allowance as a relief for block in promotion, that this deserving class of public servants should not get their just dues. My Lord, Government stand pledged to

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the amelioration of their position, and the pledge, should not long remain unredeemed.

My Lord, there is one item in the Budget—I need not quote it—in which a provision has been made for the repair of a ferry ghat at Baduria. I take it that the proceeds are appropriated by the Provincial Exchequer. Against that I record my emphatic protest. From time to time—in fact, it is a general part of the Government's policy—you are making advances to local bodies in order to enable them to carry out improvements, and now you take away local funds, you divert local resources from their legitimate purposes and make them a part of the provincial funds. Local funds belong to local bodies, and I protest against the policy that withdraws these funds from the local bodies and makes them part and parcel of provincial funds. I speak with some amount of warmth as I have practical experience of a thing of this kind in connection with the North Barrackpur Municipality. I am Chairman of the North Barrackpur Municipality, we have within its jurisdiction the Kanaidham Ferry Ghat. The ferry yields a annual revenue of Rs. 3,600, half of which goes to the Serampur Municipality and the other half is appropriated by the Provincial Government. We get nothing out of this arrangement, although we are compelled to repair the roads and the approaches to the Ferry. I think this is unfair.

Lastly, I desire to call your Lordship's attention to the attitude of the Indian public with regard to the publication of the report of the Administration Committee. I think I voice the unanimous opinion of my countrymen when I say that the publication of that report has been received with a sense of profound disapprobation. It has revived the memories of a controversy which we have resolved to bury in utter oblivion——"

The Hon'ble MR. CUMMING, interrupting, said :—

"My Lord, I rise to a point of order. My Lord, is not this point irrelevant to a discussion on the Budget?"

HIS EXCELLENCY THE PRESIDENT said :—

"I confess I do not see any relevancy. Unless the Hon'ble Member can make his remarks relevant to some item in the Budget before us, he is out of order."

The Hon'ble BABU SURENDRA NATH BANARJI said :—

"My Lord, may I finish my remark with reference to this particular matter?"

HIS EXCELLENCY THE PRESIDENT said :—

"Yes, but you must try to make it relevant."

The Hon'ble BABU SURENDRA NATH BANARJI said :—

"My Lord, I will try, and in two minutes' time I hope I shall finish. The Report has condemned upon what evidence I know not our system of secondary education which despite its defects has on the whole produced splendid results. It has passed unmerited reflections upon one of the greatest names in modern Bengal and in terms which have been resented by his followers, who are to be counted by thousands, and by his countrymen, by whom he is regarded as one of the most illustrious men of his age. I trust that when your Excellency's Government will proceed to record a resolution on this Report they will consult the public bodies upon the vital issues which it has raised.

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Raja Hrishikesh Laha.

The Hon'ble RAJA HRISHIKESH LAHA, said :—

"YOUR EXCELLENCY,

The Budget for 1915-16 presents no remarkable feature as the hands of the Provincial Government have been tied by the instructions of the Government of India that the Provincial receipts should cover all expenditures leaving the balances intact. The closing balance for 1914-15 is Rs. 2,81,31.000, out of which Rs. 2,20,62,000 have been earmarked for Education, Sanitation, etc., which unhappily cannot be used for the purpose for which they are intended. There is a free balance of Rs. 20,47,000, which does not go far enough to meet the urgent requirements of the Province. There are, however, some new schemes which are proposed to be taken in hand, the most important of which are the increase in the reinforcement of the Presidency Police and the establishment of new police-stations in the mufassal. In the present circumstances of the country, when dacoities are rampant everywhere and life and property have become insecure, I should have been very glad if further provisions could have been made for increasing the present force of the Presidency Police, which falls far short of the requirements of the town There appears to be a shortage in the number of constables, and it is desirable that Government should consider the question of strengthening the present force even by increasing the pay.

In the detailed remarks on the budget it will be observed that an estimate of Rs. 17,92,000 has been made for the recovery of Survey and Settlement charges, but owing to the general dislocation of trade caused by the war and a considerable fall in the price of jute and the partial failure of paddy crops in many parts of Bengal the position of both the zamindars and the cultivators has become anything but satisfactory. The former are doing their best to meet all the Government demands, but they have to do so at a considerable sacrifice, their collections being much below the normal. In the circumstances it would be considered a boon both by the zamindars and the cultivating classes if the Survey and Settlement operations are suspended for at least a year, that is, so long as the war lasts and things do not return to their normal condition. It appears from the Resolution published in the *Calcutta Gazette* of 24th February, 1915, that over 3,500 square miles were surveyed in 1913 and over 3,600 square miles in 1914, and if we calculate the expenditure at the standard rate, namely, Rs. 1,000 per square mile (*see* The Bengal Administration Report of 1911-12), then the cost ranges between 35 and 36 lakhs of rupees a year, three-fourths of which have to be paid by the zamindars and the tenants. Moreover, the zamindars have to maintain a special staff to look after the Survey and Settlement operations, and the raiyats to attend personally at the sacrifice of their own business and to incur incidental costs for travelling and other matters, which come up to a large round sum. Their troubles do not end here ; they have also to incur expenses for fighting out cases under sections 105 and 106 of the Bengal Tenancy Act (Act VIII of 1885) after the final publication of the Record-of-Rights. Taking all these facts into consideration, their total yearly expenses would come to a round sum of about 50 lakhs, which they can ill afford to pay in such a hard time as this. I believe I have made out a good case for suspension, and I do not think it will affect the Government much if the recoveries are kept in abeyance for a year only, or so much of the Survey and Settlement operations, which are not expected to be finished before 1932 be suspended. I hope my suggestion will receive due consideration.

As regards Excise, I have to offer a few remarks. It will be noticed that duties and license-fees on country spirit and toddy and generally on other excisable articles have been considerably raised since 1913, no doubt with the laudable object of decreasing their consumption. The estimated receipts under this head for the current year have been placed at Rs. 1,60,00,000 as against the revised estimate of Rs. 1,55,00,000 of the last year and

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Rs. 1,53,88,578 of 1913. The treasury price of opium would be raised to Rs. 40 per seer and the duty on *ganja* from Rs. 15 to Rs. 20. Other means also, as abolition of considerable number of shops and restricted hours of sale, have been adopted with that view. But it appears from the speech of my Hon'ble friend Mr. Stephenson, while introducing the budget heads relating to the Excise Department, that the increase or decrease in the consumption of country spirit and *ganja* and other excisable articles depend more upon agricultural prosperity or otherwise than upon the restrictive measures adopted for temperance purposes. That being so, it would be obviously unjust to those consumers, especially the various hill-tribes who from their manners, habits and customs are addicted to country spirits, toddy, etc., which have become as it were a part of their necessaries of life, to continue the enhanced duties imposed on them with a view to reduce their consumption, but which have manifestly failed to achieve their end. Moreover, these people have such hankering after these intoxicating liquors that they would not feel the slightest scruple to drink, however high the duties may be raised, though their wives and children may go without food. The duties therefore should be so regulated, making allowance for human frailties, that their wives and children should not be deprived of their food."

The Hon'ble MAULVI A. K. FAZ-UL-HAQ said :—

"My Lord, we meet to-day for our annual discussion of the Provincial Budget under extremely exceptional circumstances. While the crisis through which the Empire is passing has imposed on us a solemn duty to temper our remarks with prudence and moderation, yet I feel that the voice of criticism cannot be wholly hushed, if we are to discharge our duties not only to our community but also to your Excellency's Government. I therefore propose to offer a few remarks on the Budget allotments and the Government policy regarding the expenditure from Provincial Funds on matters affecting the education of Muhammadans in this Presidency.

My Lord, it is now two years almost to a day that I raised my voice in this Council as a protest against the policy of doling out fitful allotments in the Budget in furtherance of halting and half-hearted schemes for the advancement of Muhammadan education in Bengal. I tried to impress on your Excellency's Government that the minds of the Muhammadans had been seriously unsettled by the annulment of the Partition, and that Government was in honour bound to make adequate amends for the grievous wrong inflicted by that measure on a loyal and unsuspecting community. I pointed out that the least that your Excellency's Government could do was to continue the vigilant care which the Eastern Bengal officials used to bestow on schemes tending to further Muhammadan education, and to place such schemes in the forefront of all measures which your Excellency's Government thought fit to finance from Provincial Funds. As special cases, I emphasized the urgent necessity for Muhammadan boys of a well-equipped Arts College in Calcutta together with adequate hostel accommodation in all the education centres, and more particularly a hostel for college students in the vicinity of College Square in this city. These proposals have since then run the gauntlet of official criticism and public comment, and the voice of the commuuity has all along been approvingly raised in their support at all the Muhammadan Educational Conferences in this Presidency. But, unfortunately, in spite of all our earnest efforts the lapse of full two years has not brought about any improvement in the situation, nor afforded the Muhammadan boys the least relief in their struggles to avail themselves of the benefits of English Education. I have not the least doubt that the history of the previous years will again repeat itself, and that this year also the stringent rules of admission into colleges, coupled with the utter absence of suitable or adequate hostel accommodation will mark the close of the career of hundreds of Muhammadan students all over the Presidency.

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My Lord, it was in April 1913 that the Government of India issued its well-known circular to Provincial Governments, emphasising the importance and the necessity of paying particular attention to the various problems affecting the education of the Muhammadan community. As a full and careful statement of the case for the Muhammadan community the document was admirable enough, but in its practical application it has remained a veritable dead letter. I cannot for a moment conceive how, when once the necessity for a certain measure is realised, Government should feel any difficulty in taking suitable steps to put their resolve into action. I am prepared to admit that the wheels of the Government machine are ponderously slow, but that is no reason why they should be so slow, as for all practical purposes, not to be moving at all. Let us take for instance the case of the Muhammadan Arts College and the hostel for Muhammadan stutents in College Square in this city. It was in 1913 that a notification was published in the *Calcutta Gazette* about the acquisition of a plot of land for the Arts College in Wellesley Square. But beyond that mere paper notification nothing has yet been done, and the ground is still lying in the same vacant condition with not a spadeful of sand having been turned during these two years. The officials concerned may console themselves that they have some mysteriously convincing explanation for all this delay, but the Muhammadan community feel convinced that the real cause for all this lethargy lies in the utter indifference with which the officials are wont to treat the claims of the Muhammadan community. In the case of the hostel in College Square, the officials have gone one better, for not one single step has yet been taken to indicate that the Government have the least intention to afford the Muhammadan students any relief in this matter.

My Lord, the cases of the Arts College or the hostel in College Square are not the solitary instances in which Muhammadan claims, even of a pressing character, have been conveniently brushed aside so as ultimately to pass out of consideration altogether. I can mention scores of instances to illustrate what I mean, but for paucity of time I will only quote two cases in point. Hon'ble Members are aware that when early in 1913 the question of hostel accommodation for Muhammadan students was forcibly pressed on the Government, we were assured that a sum of Rs. 91,000 had been set apart for the extension of the Baker and Elliott Hostels. Resolution after resolution was moved in this Council, and interpellation after interpellation was put to draw the pointed attention of Government to the urgency of hostel accommodation for Muhammadan students, and at the end of each discussion or answer, Government used to tell us that a sum of Rs. 91,000 had been set apart for the extension of the two hostels. I hope I will not cause any surprise in this Council were I to declare that the sum of Rs. 91,000 still exists in its integrity, that not a pice out of this amount has been thought fit to be spent and that not a brick has yet been added to either of the two institutions. The other case that I wanted to cite comes from Rajshahi. Soon after the partition, the Muhammadans of that town urged upon the Government the necessity for a Munammadan hostel and asked for an allotment from Provincial Revenues. After some discussion and negotiation, it was settled that the Muhammadan community should supply the land and a portion of the cost of the building, and the Government would pay the balance of the cost. The Eastern Bengal Government never allowed the cases of Muhammadan hostels to be shelved on any account, and within a short time of its first inception, the hostel was completed and thrown open for the occupation of students. Then a very strange thing happened. The hostel was named "The Fuller Hostel" after Sir Bampfylde Fuller, and as if to be in keeping with Sir Bampfylde's unfinished reign, the authorities thought that the building should be left slightly incomplete. They accordingly allowed the floor of the dining-hall to remain kutcha. The community at once protested and the matter was referred to the Principal of the Rajshahi

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College for report. Since then, although the Muhammadan community have sent up numerous representations and petitions during six full years, neither the Principal of the College nor the higher authorities have shown any desire within the last six years to do anything in the matter. I leave it to your Excellency's Government to consider what justification there can possibly be for neglecting for six years to repair the floor of a hall, only about 400 yards in area, especially when the matter itself is of some urgency and has been repeatedly brought to the notice of the authorities. Can indifference, I ask, go further than this?

My Lord, there remains for me to say a few words on the question of hostel accommodation for Muhammadan students of the University Law College. There are at present about two hundred of these students, and the only accommodation that exists for them in Calcutta is confined to a few precarious seats in a stuffy house at No. 2, Mirzapore Street. When it was decided to build a hostel for the Law students of the University College, the University contributed over 3 lakhs of rupees and the Government contributed an equal amount for the erection of a suitable building for the hostel. The result has been the five-storied building named the Hardinge Hostel situated by the side of the University Law College, with accommodation, on even the most liberal scale, for nearly two hundred students. Ever since the erection of the hostel, more than 40 per cent. of the seats remain unoccupied and yet no Muhammadan student is allowed to have a seat in the hostel. There can be no objection to have the hostel reserved for Hindu students, but the Muhammadan students have an equal claim on the University and Provincial Funds and it would be an act of bare justice to them to build for them, if not an equally gorgeous, at least an equally commodious hostel.

My Lord, I do not wish to multiply instances. If I have ventured to trouble this Council once again with the very same matters which I had dealt with in the discussion of the previous Budgets, I have done so from an overpowering sense of duty. It is always an unpleasant task to have to perform the part of a critic, still more unpleasant to have to dwell on the very same theme year after year. But the responsibilities of office must be faced, and the very seat I occupy in this Council can only be justified by my readiness to place the views of my country and community truly and faithfully before your Excellency's Government. I have never been an alarmist at any time of my life, and I represent a community whose loyalty has always been above comment or cavil. It should therefore be a matter for some consideration by your Excellency's Government that to-day, while approaching the close of my term in this Council, I feel compelled to record my deliberate opinion that Muhammadan interests have not been receiving due and adequate consideration at the hands of Government. The annulment of the Partition gave a rude shock to Moslem feelings and fitful efforts were for some time made by officials to conciliate Muhammadan opinion. The result was the Dacca University—a doubtful boon, for which we are still making provisions in the Budget. This is neither the place nor the occasion to dwell on the various other causes which have since convulsed our community, but it is enough that the accumulated result of all this fortuitous concourse of circumstances has been to leave the minds of my community in a disturbed state. On the top of all this came the repeated disappointments of my community in securing even the scantiest recognition from Government in furtherance of practical schemes for the development of Muhammadan education.

My Lord, I have just been supplied with answers to an interpellation of mine which shew the total expenditure on hostels for the last three years, with separate figures for sums spent on Muhammadan hostels. I am told that in 1912-13 the total expenditure was about five and a half lakhs, Muhammadan hostels accounting for Rs. 58 thousand; in 1913-14 the

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total expenditure was about five lakhs, Muhammadan hostels 65 thousand; and 1914-15 the total was eight lakhs of which only about Rs. 86 thousand had been spent on Muhammadan Hostels. Comment on these figures seems unnecessary. I will perhaps be told that a committee for advising on Muhammadan education has been appointed and been sitting and Government are awaiting their report before taking any steps in matters which may possibly form the subject of discussion in the committee. But the committee was appointed only late last year and even before that Government had not given any indications that they had been making the problems of Muhammadan education a matter of much concern. Besides, the case for a Muhammadan Arts college or a hostel in College Square has always been above controversy, and one at least of these schemes could have been taken up without prejudice to the deliberations of the committee. But Government preferred to procrastinate even in matters of such grave moment, with the result that the war has now broken out and is putting such a strain on the resources of the Empire that your Excellency had to declare at the Madrassah the other day that these schemes on which we had so much set our heart must be indefinitely postponed. It will be after all, as has always been in the past, that the Muhammadan community will suffer.

My Lord, I feel bound to tell your Excellency's Government that the popular impression is that you look upon the Muhammadan community as a negligible quantity and always try to ignore it in your administrative calculations. Recent events have convinced me that the popular estimate of the real attitude of Government towards our community is far from being incorrect. I do not mind telling my official friends in this Council that the one great weakness in the British character is its readiness to yield to those who shout the loudest and to ignore those who confide in the sense of justice and equity and the sturdy conscience of the British race. Herein lies the real explanation of the Government attitude towards the Muhammadan community. We are being ignored, because we have not yet made our existence felt. Else, how is it I ask, that even the urgent needs of our community are being subordinated to numerous other matters about which expenditure had to be incurred in the teeth of controversy? How is it that lakhs are being spent in such doubtful schemes as the College in Hastings House, while the Muhammadan Arts College is being slowly consigned to the limbo of oblivion. How is it that thousands of rupees are forthcoming for the acquisition of Darga lands at Rajshahi in the teeth of the most violent opposition by the Muhammadan community, while the repair of the floor of the dining hall in Fuller Hostel has been held back for over six years, although the cost would not have been more than a few hundred rupees? My Lord, the annulment of the Partition has itself left a wound which even time may not heal, but there have been after griefs which have affected us more deeply and will perhaps leave scars which nothing can efface from the minds of the community.

My Lord, I wish it to be distinctly understood that, in all my comments on Government policy, I do not wish to reflect on the Hon'ble Mr. Hornell or his methods of administration of the Education Department. On the contrary, the entire community fully appreciates the zeal and energy with which he has approached many a question affecting Muhammadan education, and I cannot personally withhold my tribute of grateful thanks to him and his worthy assistant Mr. Taylor, for all that they have done for the spread of Muhammadan education in Bengal. If our community has any grievances it is certainly not owing to the Hon'ble Mr. Hornell or to Mr. Taylor that things are unsatisfactory, and it is only due to them that I should publicly acknowledge their services on behalf of our community."

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Dr. Sarbadhikari.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"MY LORD,

A notable feature of the Bengal Budget has for some time been the development under the heading Education. When I joined the Council in 1908, I congratulated the Council and the Government upon the rise of our educational outlay from 26 lakhs in 1902-03 to 42½ lakhs in the revised estimate for 1908. Taking local contributions into account the figure then stood at 61 lakhs. The Province then consisted of Bengal as it now is and Bihar and Orissa. The figure stood at over 61 lakhs in 1911, leaving out of consideration, I believe, local contributions. It rose to over 73 lakhs in 1912, to over 81 lakhs in 1913, to over 85 lakhs in 1914, and this year we have the striking figure of a crore, five lakhs and 62 thousand not to speak of the much higher figure that was ultimately reduced as shown in page 18 of the Budget. This does not take into account, if I gather aright, local contributions and, if my belief be correct, the advance from 42 lakhs in 1908 to this year's figure of near upon a crore and six lakhs is indeed a matter of congratulation. I do not believe in money being spent on ill-matured schemes for the sake of spending. Fully sharing the Hon'ble Babu Surendra Nath Banerji's regret that all that was budgeted for last year could not be spent in the absence of matured and accepted working schemes, one must admit that the figure of actuals last year would appear to be all the more striking when one considers that Bihar and Orissa, under a separate Government, are separately provided for and the present figure is for Bengal proper alone. Bengal can therefore little complain that the Government have been unmindful of its educational requirements. Our requirements are no doubt larger and will be much larger in the near future. When the clouds roll by and the unspent balance that this year cannot be touched is once more available under more favourable auspices, we hope to be in a better position. The figures of this lump expenditure are given under suitable headings at page 18 of the Budget, and though an appreciable amount of this sum still continues to be employed for purposes that an ascetic educationist will hardly admit to be strictly educational, I must acknowledge that the Hon'ble Mr. Hornell has so far adhered to the pledge given by his predecessor that inspection charges which had attained what the department considered as the maximum should no further be increased. For this year these charges are actually less than the figures of 1911, and the direction charges are less than the figures of 1911 and 1914. It would be foolish to underestimate the value of direction and inspection in the field of education, but one naturally likes to see proportionably much more spent on the inspectable commodity than on inspection. More schools and colleges, better schools and colleges, more and better paid teachers and professors are a greater desiderata than expanded inspection and direction, and for a time admittedly there was an undue tendency towards the abnormal growth of inspection and direction charges which a timely and strong protest in this Council helped in curtailing.

Figures under the heading "University" are less than those of 1912-13-14, though the requirements are considerably in advance, and those interested in University education under altered conditions must have an anxious time of it till better provisions for increasing requirements can be made. The expenditure in Government colleges again is not much in advance of the last year's figures, and there are reasons to apprehend that unless the current year's figure of 9 lakhs and 12 thousand can by readjustment be appreciably increased, it would not be possible for many of the Government colleges to have their fair share of much-and long-needed improvements.

I should like to associate myself thoroughly with Hon'ble Moulvi Faz-ul-Haq in his appeal for a college and a hostel for Muhammadans. I have consistenly advocated generous expenditure on Muhammadan education ever

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since I have been on the Council and I cannot say that nearly enough has been done in this direction. Regarding my friend's complaints about Muhammadan law students, all that we can say is that all the law students in the University Law College whether Hindoos or Muhammadans can never be adequately provided for. The Law College students number over 2,000 of whom only 150 can be lodged in the Hardinge Hostel and a few more in ordinary messes. Most of them will have to be in "stuffy messes" for a long time and even when hostels for all come, it is to be hoped that the hostels will be fairly in keeping with the conditions under which our average students live. I do not believe in "gorgeous" hostels. And it is doubtful whether we can ever maintain hostels even in an unsatisfactory way for all who require them. But I do recognise the urgent need of a Musalman non-collegiate hostel in the neighbourhood of College Square for students of various colleges about it. I hope one will soon come. I would welcome a Carmichael Hostel where our Muhammadan students can be located. In the meantime we in the University shall try to see how present arrangements can be improved.

It is keenly felt in many quarters that our colleges should have their dues hare of M.A. teaching, so that the University may be relieved of much that it has to do in this direction under existing conditions. Though public attention has been called pointedly to this matter several times during the past few months, there seems to be little tendency on the part of the authorities to move in the direction indicated. So far it is the Presidency College and the Dacca College among the Government colleges that take any share in M.A. teaching, and I am glad to say that during the past few months their field of work in this direction has to a certain extent been enlarged. Both these colleges get all the students that they can or care to accommodate. The Gauhati College, thanks to Sir Archdale Earle's enlightened policy, has just begun taking some share, and one private college, the Scottish Churches College, also takes some share. Judged by results, undergraduate and graduate teaching also in the Government colleges require considerable general strengthening, and the pay and prospects of our professors in the Subordinate Educational Service require anxious and careful handling as early as possible. I shall not now refer to the various questions in this connection that I have raised in the Council from time to time, for we have been assured that they are under the consideration of your Excellency's Government and nothing can be done for the present. But there is one aspect of their case, to which I may be permitted to make a passing reference. Under the system—if it be one the merits of which I have not been able to clearly understand—a Science professor, who is a professor in one college, by being transferred to another, becomes immediately either a Lecturer or Demonstrator, as the case may be, or even an assistant to other professors, and some are supposed to be glorified bottle-washers. A person so transferred is, however, a Lecturer or a Professor to all intents and purposes and in many cases as good a Lecturer or Professor as any. But he is allowed no adequately responsible or recognized place in the college staff. And this state of things leads to too much heart-burning, and makes for inefficiency. Without much investment of money a state of peace and progress may be ensured by reasonable readjustment of ideas.

The Syndicate of the University has recently appointed a College Committee and a School Committee to consider what progress has been recently achieved and what remains to be done. These committees are still at work; but from materials that have come in so far as well as from annual inspection reports one cannot help being struck with the improvement that has been achieved with the limited resources of these institutions, and the whole question is one of money if further improvement is to be attained. While we are waiting for our systems and policies, and hanging up our balances till for some reason or another they cease to be available, the institutions concerned must considerably suffer if not altogether starve.

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I welcome the Hastings House School Scheme, though much has been said against it outside this Council and just now in the Council. It is neither edifying nor reassuring that Government of India grants. that are fairly generous should not be spent because of want of matured schemes. Those who know and appreciate the wants cannot take long to mature working schemes though possibly they may not be the last words on the subject. In the domains of education the last words will not long be said, if ever. If the Hastings House School comes early, and does its work well, it will enable us to see what a model school according to advanced ideas would be like, what it will cost and what its possibilities are and how far other schools can be brought into a line without like resources. The Hindu School and the Hare School, in which many of us used to take and still take much interest, are, according. to some, anything but model schools, for which reason, if for no other the lessons of the Hastings School project will be awaited with interest, nay, anxiety. The University is insisting on higher school ideals wherever possible, and 17 schools are already under notice of disaffiliation. It must be admitted that if the rules were vigorously and strictly enforced, many more would have to come under notice immediately ; but popular educational demand cannot be met in that way, and in some places even indifferent schools would be better than no school at all.

Our Divisional and Additional Inspectors and their Deputies and Assistants, whom I take this opportunity of publicly thanking for the great service that they do to the University in this behalf, bring to light facts that make us extremely sad that means of improvements should be lacking so much. I am glad, as I am sure the Hon'ble Mr. Hornell will be, that they do not hesitate to bring to notice defects of the Government schools, which, in some instances, take quite as long, if not longer, to rectify as some private schools.

I now turn to a more helpful and hopeful feature of the Educational Budget, and refer with gratitude to the Hostel Grants of 10 lakhs of rupees that His Excellency the Chancellor was pleased to announce at the Town Hall Convocation of the University. I hope now our colleges, that have long been waiting for their hostels, will have appreciable assistance. Some years ago Sir Edward Baker was pleased to appoint a committee, of which I happened to be a member, to draw up a scheme for providing our private colleges with hostels, and the Hon'ble Mr. Küchler and myself went all over the town, inspected *bastis*, framed schemes, drew up estimates with the Hon'ble Mr. Slacke, as our President, and we ended in doing nothing. That was many years ago. Our idea was, and my idea still is. to take up some of the insanitary back *bastis*, which would be comparatively inexpensive to acquire, fairly close to the colleges, and build up a system of hostels that would be the beginning of real corporate University life in Calcutta. I forget the exact amount that was supposed to be at our disposal then, and I believe it was something like 5 or 6 lakhs. Then came the grants mentioned at page 8 of the budget—8 lakhs and 70 thousand as it is shown there—but which I believed was 10 lakhs. The City College, the Ripon College, the Metropolitan College, the Bangabasi College, and I forget what other colleges, were invited to participate. Some moved in the matter in right earnest and made an appreciable advance. even to the extent of acquiring land. The University was not consulted in the matter and does not know how matters exactly stand. But some of the colleges complain that, though their schemes have been ready and they could begin work at once, they could not and cannot do so for want of the assistance that they expected. I have tried to get information as to what actual sum is included in the unspent balance originally earmarked for hostel purposes. and whether it be 8 lakhs 70 thousand or 10 lakhs and more, taking into account the grant made earlier. we take it all, this would be available for the same purposes, when the present

troubles pass away and when we are free to touch the balance. Including this year's grant of 10 lakhs near upon 25 lakhs should be to the credit of Calcutta hostels.

Connected with this aspect of student life, I would like to refer to the urgent need of a student infirmary in Calcutta—a need that has been pressed very much upon us in connection with the recent outbreak of small-pox epidemic in Calcutta.

We are thankful that substantial provision has been made for the Belgachia Hospital, and means will soon be found for providing Bengal with a second affiliated Medical Institution, and turning out more highly qualified doctors than we are able at present to do. Establishment of the State Faculty of Medicine, to which reference has been made in the Budget will help in bringing into existence an intermediate class of medical practitioners, who are likely to be very useful to the country. This year Hon'ble Members who did not want free advertisement for their pet schemes of the kind alluded to by the Hon'ble Mr. Stephenson in connection with the Hon'ble Ray Radha Charan Pal Bahadur's sporting Budget resolutions studiously refrained from troubling the Council with needless motions. One resolution, however, of which notice had been given by an Hon'ble Member, but which was disallowed on account of the non-compliance with the rules, touched a matter of vital importance to the Provincial Judicial Service. It was in connection with the question of granting an increment of Rs. 50 per month to the lowest grade of Munsifs, 35 in number, as has been done in the case of the Provincial Executive Service. The total expenditure would be Rs. 21,000. The Hon'ble Sir William Duke, in the course of the Budget debate on the 4th April last, spoke as follows on this subject :—

"Satisfaction has been expressed that provision has been made for raising the pay of the lowest grade of Munsifs. I would ask members to adopt an attitude of expectation on this subject. I myself have always contemplated raising the pay of the lowest grade of Munsifs since the time when the Government decided to do it in the case of the Executive Service, and that was carried through about three years ago. We thought that probably what was fair for one service would be fair to the other, and in fact, so far as the Munsifs are recruited rather older, they have an adidtional claim."

As no effect had, however, been given to the scheme yet, I asked a question on the subject in the Council on the 20th January last. Replying to this question, the Hon'ble Mr. Cumming said :—

"It is not possible to state from what date the abolition of the last grade of Munsifs will take place. Government regret that they are not prepared to make recommendations at the present time for the immediate increase of expenditure which the proposal would involve and are awaiting the report of the Royal Commission on the Public Services before taking further action in the matter."

I trust that Government will soon do something to ameliorate the condition of this class of well-deserving public servants.

In the interest of the Service the long deferred act of justice to which I allude should not be further withheld.

Those of us, who had often occasion of drawing the attention of the Council and the Government to the pitious conditions of some parts of the country owing to the Damodar floods, will have the satisfaction of knowing that steps are to be taken for grappling with the question in right earnest. Budget allotment for this first step is, therefore, welcome, and we thank Your Excellency and Your Excellency's Government for this earnest.

The recent publication of the correspondence with local Governments on the subject of Excise Administration in India suggests many matters of

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interest that this Council might be asked to consider. The Temperance Party have decided to take up the suggestion of His Excellency the Viceroy re-echoed by the Secretary of State for India and seek to arouse among the people themselves definite movements towards the practice of total abstinence from both drink and drugs. At the same time they look for the support promised by the Administration in the statement of His Excellency that the Administration is chiefly concerned with the reduction of actual consumption so minimising temptation to those who do not drink, and discouraging excess among those who do.

We should also be glad to learn whether the Government of Bengal are prepared to act upon any of the recommendations which the Secretary of State for India has urged might be introduced in the interests of Temperance Reform. Among these special mention should be made of an experiment in certain areas, Calcutta for example, of a system of adequate fixed fees instead of the system of auctioning licenses, which is still regarded by Temperance workers as quite as unsatisfactory in controlling consumption as was the outstill system so rapidly being abolished. We have powerful allies now in the War Offices of Great Britain, France and Russia and even in the British Enchequer. Temperance men will no longer hesitate to press for fiscal sacrifices in the interest of Temperance. And to crown all our generous King-Emperor, who is ever to the fore and the first in all good causes has given a noble lead to the world that will prove itself a regenerative force of undreamt of power. The Archbishop of Canterbury has whole-heartedly taken up the cause and these notable exertions there will find adequate response in India as all friends of Temperance and good Government fervently wish and pray.

It would at this juncture be useful and interesting to know if the Government of Bengal is prepared to act according to the suggestion of the Marquess of Crewe that the syllabus of lessons on Temperance which received the support of the British Medical Association and was issued by the Board of Education in 1909 might be adapted for use of schools in India and that at least two or three lessons a year should be based upon it. I would request that this most practical and reasonable suggestion might be forwarded to the department of my hon'ble friend, the Member for Education, for sympathetic consideration and action.

The Secretary of State for India further suggests that the functions of Advisory Committees might not be limited merely to questions of the number or locations of shops but be enlarged "to include the consideration of the methods of trading, the hours of sale, and generally as to abuses and irregularities." And in connection with this I would urge Your Excellency's special attention to the suggestion of the same high authority that it might be within the recognised sphere of Advisory Committees and Licensing Boards "to call attention to special cases and localities in town or country in which it might seem desirable, and likely to be in consonance with the wishes of the inhabitants, that a ward or special area should be kept altogether immune from the sale of intoxicants."

The Hon'ble MAULVI MUSHARRAF HUSAIN said :—

"MY LORD,

I beg to congratulate your Excellency's Government on the presentation of a successful budget for the year 1915-16. It is a matter of great felicitation to us to know that the war in Europe has not succeeded in influencing the budget to as much extent as was apprehended before. Our heartfelt thanks are specially due to all heads of departments for observing strict economy in their ordinary expenditure last year and raising thereby the actual free balance to 28½ lakhs of rupees after earmarking an additional 5 lakhs of

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rupees for a grant under certain conditions to the Belgachia Hospital, although in the beginning of the year it was estimated to be only 26 lakhs.

Coming to the expenditure side of the Budget we are glad to find that the Government, even in this year of financial difficulties, have provided 1½ lakhs of rupees for the reorganisation of the Excise Department. It is from excise that the Government receive the maximum of profit with the minimum of expenditure, and none can grudge an additional expenditure under this head for the more efficient working of the department.

Registration.

2. Coming to the head Registration, it is to be noticed that in 1914-15 Rs. 11,99,000 were provided, but in the revised estimate it was reduced to Rs. 11,51,000 and it has further been reduced to Rs. 11,23,000 in the coming year's budget. It is a matter of regret that, although there was a talk of revision of establishment of this department for some years past, it has not as yet been carried into effect : even this year's budget has not provided for it. In my opinion some more money should have been provided under this head for the revision of the establishment of this department this year, as has been done in the Excise Department.

Jails.

3. Coming to the head Jails, I notice with apprehension the provision of Rs. 21,95,000 in place of Rs. 23,78,000. The decrease is attributed to small provision for dietary charges and purchase of raw material as compared with the figures of the revised estimate. Among all the expenses, dietary charges of the prisoners should be the last that should be touched when economy is to be effected. I would urge upon your Excellency's Government to look to this item of expenditure and increase it, if possible, in the interest of humanity, instead of reducing it.

Police.

4. It has now become a general complaint that the district executive force is not enough to cope with the increasing work of the district police. I would therefore humbly request your Excellency's Government to see if it is not practicable to increase the number of the police force, at least temporarily, to meet the general situation of the Presidency, created by the disorganisation of trade and partial failure of crops last year.

Education.

5. From the statement of expenditure under the head Education it appears that under the sub-head "Expenditure of recurring grant," Rs. 25,20,000 were provided in last year's budget and in the revised estimate the whole amount was omitted. But in the budget for the year 1915-16 again Rs. 13,20,000 have been provided for the expenditure. I do not know why the Education Department could not expend a farthing even out of Rs. 25,20,000, in the first few months of the year, as economy has been thought of practically from the middle of the year only. I would ask the Hon'ble Member in charge to take special care of this item of expenditure and to see that regular schemes come forward in proper time so that money may not lapse by the end of the year, as the country is clamouring for liberal expenditure for its educational progress.

The Muhammadan public has learnt with great regret that the materialisation of the scheme for the establishment of an Arts College for Muhammadan boys in Calcutta in the centre of Muhammadan population will be delayed for want of funds. The Educational Budget for the coming year

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provides for the expenditure of Rs. 95,62,000, of which more than Rs. 30,00,000 are in the discretion of the Education Department. If the Department likes to establish the college, it can very easily do so, out of these discretionary amounts without interfering in any way with their recurring and permanent expenditure. I hope the Department will fulfil the scheme this year and relieve the Muhammadan public from anxiety.

Superannuation.

6. The charges under this head are rising year after year, and the estimate for 1915-16 provides for an additional amount of about 2 lakhs of rupees under this head. This I understand is for commutation of pensions. While discussing the last year's budget I pointed out some gross injustice to the old Sub-Registrars whose pensionable services are counted from the date of the reorganisation of the department a few years ago, and not from the date of their actual entry into the service. In reply, the Hon'ble Member in charge was pleased to say that their case is under the consideration of the Royal Commission. Since then a year has passed and the public have not yet been informed of the decision of the Royal Commission. In the meantime the old people are retiring, but unfortunately their cases are governed by the existing pension rules. I would therefore urge upon Your Excellency's Government to see if some relief cannot be given to those gentlemen who are retiring at present. Whatever be the ultimate decision of the Royal Commission, I beg to impress upon Your Excellency's Government the hardships and sufferings of these old people, and to ask Your Excellency to be a little merciful towards them. It is sometimes pointed out that these old Sub-Registrars formerly retired without any pensions whatsoever. But I beg to say in reply that there was previously no age-limit for retiring and the old Sub-Registrars were allowed to work as many years as they liked even without any transfer whatsoever.

Civil Works in charge of Public Works Department.

7. I beg to thank Your Excellency's Government heartily for expending a good amount for the improvement of the Dooars Roads. I have been impressing upon Your Excellency's Government for the last two years that the two systems of roads—one leading to Jalpaiguri and the other to Alipur—should be linked together for the improvement of inter-district communication. I personally explained this to the Hon'ble Mr. Green and pointed out to him that it was very easy to do so by extending the Dalgaon-Lankapara Road up to the edge of the river Tursha and the Rajabhatkhawa-Joygaon Road to the other bank of the river and keeping a good ferry across the river till the Public Works Department would think it opportune for bridging it. The cost in doing so will I believe be very small indeed, and I hope the Government would kindly accept this suggestion."

The Hon'ble CHAUDHURI MUHAMMAD ISMAIL KHAN said :—

"MY LORD,

It is indeed a matter for sincere congratulation to our Government that, in spite of the serious dislocation of business caused by the general conflagration of the war, our financial condition has not been as depressing and discouraging as was apprehended. Nobody could expect this year a prosperity budget. The serious drain caused by the war has always been regarded as an important factor to reckon with in framing the Budget. The fall of revenue under the several heads has been sufficiently accounted for by the Hon'ble Members in charge of the departments. Looking to the receipt side of the financial statement, I find one item affecting more particularly the people of Eastern Bengal, that calls for some comment. Evidently,

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both the Imperial and Provincial Governments are not going to stay their hands with regard to the recovery of Survey and Settlement charges. We have our 'Fat' years, and we have our 'Lean' years, and the present unfortunately has been one of the leanest years for Eastern Bengal. The extraordinary drop in the price of jute on account of the war, and the partial failure of rice crop in some of the districts have caused the direst distress to the people. The pinch is being felt by all classes of people, the agriculturists as well as the landholder. The demand of Survey and Settlement charges in this year of distress is not likely to be met by the people of these hapless districts without the greatest difficulty. I implore your Excellency's Government and the Imperial Government to arrange the Budget in such a manner that the recovery of these charges may be suspended for this year. Eighteen lakhs is really a drop in the huge Indian Ocean of revenues, and if the fall of revenue from other sources can be tolerated, it won't at all be difficult to account for these eighteen lakhs between your Excellency's Government and the Imperial Government. In case, however, your Excellency's Government be not prepared to accept my suggestion in full, I earnestly pray that Government may be pleased to issue such general instructions to the superior officers charged with the actual realisation of the Survey and Settlement charges as may enable them to consider cases of hardship on their own merits and order instalments in payment of the charges according to their discretion.

I am glad to note here that henceforth agriculture is to be entered in the Budget as a separate head. This is as it should be, because our country is mainly agricultural and about 70 per cent. of the population depends for their livelihood on agriculture and agricultural pursuits. The work of the department is still in its initial stage, but the field is vast and extensive. In my humble opinion, whenever a successful result is obtained from any experiment conducted at demonstration farms in district headquarters, it should be the endeavour of the department to popularise it amongst the actual cultivators in the interior of the country because very few of them come to town to learn these things as they are generally poor, illiterate, ignorant and unenterprising. My Lord, I may take the case of rice crop for example. If any successful experiment is obtained, it should at once be tried in a Khas Mahal in the south of the Bakarganj district, so that it may be an object-lesson and an eye-opener to the raiyats living there, and from them it would be learnt easily by their friends and relations who live near by the Mahal. This is one of the ways how a successful experiment can be made popular. Unless this course is taken at once and immediately and is always kept in view and successfully pushed on gradually but persistently, no benefit can be gained from the expenditure incurred in connection with the successful experiments at demonstration farms and research institutes. On the 'Expenditure' side, the increase under head 'Law and Justice' calls for certain remarks. The increase is said to be chiefly due to larger payments of pleaders' fees in connection with the several political cases. Everybody in this Council is anxious to stamp out anarchism from the land and bringing the offenders to speedy justice is no doubt one of the potent means for strangling anarchism to death. But there is no reason why the Government should be so lavish in expenditure in engaging counsel and pleaders at enormous fees for conducting these political cases. It is said and, I believe, said with great deal of justice and truth that even very ordinary lawyers, engaged by Government, have made fabulous incomes in connection with these political cases. Why should the Government pay more than what such lawyers can ordinarily earn? The best legal help can be secured at less than half the cost. Everybody expects that Government should take care to spend the tax-payers' money with some regard to economy. Litigation is a curse to the people of this country, and the Government is indeed setting a very bad example by such lavish expenditure.

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Babu Upendra Lal Ray.

MY LORD, I would be wanting in my duty as a member of this Council were I to omit to convey our grateful thanks to His Excellency the Viceroy for his recent announcement about a grant of 10 lakhs for the erection of hostels for students. I have no doubt that this liberal grant will give a great impetus to the cause of education and I hope the claims of Muhammadan community will not be overlooked by Your Excellency's Government.

My Lord, I cannot conclude these few remarks of mine on the Budget without a few words on the urgent need of a hostel for Muhammadan students in Calcutta. I know that Government has been contemplating an extension of the Elliot and Baker Hostels, and this no doubt will bring the students some relief. But the real and crying want is a hostel in or near College Square which will enable our young men to live under the beneficial influences of all the various educational institutions in that neighbourhood.

I sincerely hope and trust that your Excellency's Government will take steps to remove this long-felt grievance of our students and thus earn the lasting gratitude of the entire Muhammadan community in this Presidency."

The Hon'ble BABU UPENDRA LAL RAY said :—

"MY LORD,

The position of the Budget under review can be ascertained by a glance at page 5 of the Budget. It appears that under the orders of the Government of India the Budget has been prepared on the basis that all the charges are covered by the Provincial receipts and regrant of all the unexpended balances of the Imperial grants for Education, Sanitation, Police and discretionary grants have not been provided for. In view of the financial situation caused by the outbreak of war in Europe it is satisfactory to note that no new taxation has been imposed and none of the existing taxes has been materially enhanced with the exception of the contemplated increase of the Treasury price of opium to Rs. 40 per seer and the duty on Ganja from Rs. 15 to Rs. 20. This will affect a small minority of the population but the total revenue under these items has been estimated at a much smaller figure than that of the current year owing to an anticipated decrease in consumption. Taking all these into consideration the Government are to be congratulated on the successful framing of the Budget.

Sanitation.—The decision of the Government to make over the whole of the Public Works cess to the District Boards has met with universal approval and the result has been highly satisfactory as it has enabled the District Boards to assist private parties in the re-excavation of several existing tanks. The villagers, hitherto partly indifferent and partly helpless owing to want of funds, are now coming forward to avail themselves of this concession and it is confidently expected that in the near future a crying necessity and a long-felt want will be met and removed by this means. The scheme which I suggested in my speech on the Budget last year will, I venture to hope, be given a trial and, if inaugurated, will, I am sure, tend to stimulate wealthier co-sharers of tanks to undertake their re-excavation. No such permanent fund as mentioned above, however, is at the disposal of the Municipalities and their demand for the same to meet the requirements of sanitation and water-supply is as urgent as it is indispensable. Schemes prepared take a long time to mature with the result that the amounts budgeted very often lapse. The provision of Rs. 60,000 for waterworks to the Chandpur Municipality will, it is hoped, be utilised and the works pushed through.

The Budget.

Babu Upendra Lal Ray.

Fisheries.—My Lord, very little is known of the progress done by the Fishery Department ; and at page 20 a sum of Rs. 2,000 has been provided for each of the following subjects, *viz.* :—

(1) Carp culture by the Fishery Department,

(2) Experimental culture in Sundarbans Fisheries and

(3) Fishery yarn.

It is doubtful if this is enough for the requirements and also if these amounts are included in the sum of Rs. 57,000 mentioned at page 60. In any case, more financial aid is necessary for improving and promoting the growth of fishes in this Presidency.

Education.—This very important subject has, I am glad to observe, not missed the attention of the Government, but one thing that strikes us, and is a subject of common talk, is that more money is spent for inspection than is certainly necessary. The result is curtailment of expenditure on other more important heads, as for example, provision of teaching staff, affiliation and opening up of new schools and colleges. In the Chittagong Division only two colleges exist at present and even these two have not affiliation in all the important subjects. Hopes have from time to time been held out for improvement of the status of these colleges but their fulfilment is as indefinite as before. Technical and Industrial Education deserves more attention than it appears to have received.

Courts of Law.—My Lord, the prospect of regrading and increasing the pay of the Lowest Grade of Munsifs, for which provision was made in the last budget, is still unrealised and is a case of hope deferred. The amounts sanctioned during the current year do not find their respective places in the budget under discussion and this will tend to depress the overworked members of this branch of the Judicial service who have been anxiously looking forward for realization of their cherished hopes.

General Administration.—The increase in the number of political cases has necessitated the provision of larger expenditure from year to year. I venture to make one suggestion on this subject. The several infructuous prosecutions appear to have been the outcome of perfunctory investigations and misspent energy. The appointment of an independent Legal Advisory Board to consider and advise on all such prosecutions before embarking on the same would, I am sure, reduce the number of abortive prosecutions involving colossal expenditure of public money. Experience has taught us even in the small Municipality of Chittagong that the appointment of such Advisory Boards has been a great success and the means of saving a good deal of public money and good many people from harassment.

Communications.—My Lord, my resolution at the sitting of the Council at Dacca about improvement of communication by the opening up of new lines of railway and also the development of the Port of Chittagong, which Your Excellency's Government had the goodness to adopt, appears to have been lost sight of in the framing of the Budget and in this respect also I wish to remind Your Excellency that the lapse of the provision of Rs. 75,000 for a Grab Dredger for the Port of Chittagong which has not been sanctioned has caused great disappointment in the minds of the Commissioners of that Port, who, in addition to this modest scheme, have formulated some bigger undertakings for the training and conservancy of the Karnafuli river as well as for the construction of some jetties for the coasting trade of the port. That the demands of this port should be met admits of no doubt and not only the Provincial but the Imperial Government also have realized its importance and offered assistance for the better equipment of the port. It is an accepted theory that in matters of this nature money ought to be spent liberally in the beginning before the schemes can become reproductive.

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Maulvi Mazharul Anwar Chaudhuri.

Jails.—I venture to remind Your Excellency's Government of the desire to have separate cooking arrangements for Hindu and other convicts in all the jails of this Presidency. It is not known whether any provision has been made in the budget in this direction in view of the reply given to my question on this subject and I hope the matter will receive due consideration and effect will be given to the remodelling of the cooking sheds in the various jails on these lines where such separate arrangement does not exist.

Grand Trunk Canal.—I am glad to observe that there has been an important modification of the Grand Trunk Canal project. The original alignment of Mr. O. C. Lees received the support of all the public bodies with the exception of the Bengal Mahajan Sabha which suggested a shorter, less expensive and more convenient alignment with the outfall at Chitpur. Babu Bidhu Bhusan Chatterjee, the representative of the Sabha, in giving evidence before the Port Facilities Inquiry Committee pointed out that in the event of the suggestion of the Sabha being accepted the necessity of taking the inland canal right across the Bidyadhari river would be obviated. In my budget speech last year I pointed out the advantages of the new scheme as suggested by the Bengal Mahajan Sabha. It is gratifying to note that the Government have been pleased to modify the original scheme on the lines suggested."

The Hon'ble MAULVI MAZHARUL ANWAR CHAUDHURI said :—

"MY LORD,

I congratulate your Excellency's Government and the Imperial Government on the gratifying fact that no additional tax has been imposed, although by the end of the financial year India will have spent about seven millions sterling in meeting her share of the cost of the Indian Expeditionary Force. People everywhere expected some sort of war tax and they have been agreeably surprised to find that their rulers have managed to tide over the crisis with the ordinary means at their disposal and they are very grateful for it.

Although we know that, in the time of stress that we are passing through, strict economy has to be practised in every department, yet I cannot help complaining of the absence of one small item in the Budget under discussion which was provided in the Budget of 1914-15.

My Lord, I refer to the provision of Rs. 21,000 in last year's Budget to raise the pay of the last grade of munsifs from Rs. 200 to Rs. 250. Some years ago the pay of the last grade of Deputy Magistrates and Deputy Collectors was raised to Rs. 250, and from that time the munsifs have been expecting, and justly expecting, that the pay of their last grade too would, in no time, be similarly increased. My Lord, the members of the Provincial Executive Service need only possess the degree of B.A. or B.Sc. and they are appointed before they attain the age of 25, and by the time they are 31 or 32 years old they generally draw at least Rs. 300 a month. But a man must, at least, be a B.L. to qualify himself for a post in the Provincial Judicial Service and must serve an apprenticeship of at least three years in the Bar; and he seldom gets an officiating appointment before he is 28, and he is rarely confirmed before he is 31. The claims of this deserving class of public servants have, for years, been urged in this Council, and by none more forcibly, eloquently and persistently than by my hon'ble friend Dr. Deba Prasad Sarbadhikari, and I do not wish to take up the time of this Council by enlarging on them.

At last, your Excellency's Government came to recognise the justice of their claims, and a sum of Rs. 21,000 was provided in last year's Budget to meet this just demand.

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Maulvi Mazharul Anwar Chaudhuri.

After this provision in the Budget they expected that the increase would take effect very soon, but months of the financial year went by without their hopes being realised, and at last in answer to a question of their steadfast champion they were coolly told to wait till the report of the Public Service Commission was received.

My Lord, hope deferred maketh the heart sick. It is not known when the Report of the Public Service Commission will be received. Even if it is received during the year, it will have to be considered by the Provincial Governments, by the Government of India and by the Secretary of State for India in Council, before its recommendations can be carried out. My Lord, all these processes will take at least half a dozen years.

Owing to the recall from leave of all officers there is a temporary block in promotion among the members of the Civil Service and the higher officers in the Police Department, and for this Government have been pleased to give them adequate compensation. Now to withhold indefinitely the small increase of pay to a very few of the members of the Provincial Judicial Service, for which provision was made in the last Budget and which they consequently expected almost every hour, seems hardly fair and just.

My Lord, the sum of Rs. 21,000 will not make a very big hole in the free balance of about 21 lakhs, which is in the hands of your Lordship's Government for new expenditure ; and in spite of all that has happened, we earnestly hope and pray that the well-known sense of justice and fair play of your Lordship's Government will prevail over the desire to save a small sum ; and your Lordship's Government will grant early in the course of the year the definitely-promised and long-delayed slight increase of pay to a very few of this deserving and hardworking class of public servants.

My Lord, the expenditure under the heading "Law Officers, Mufassal Establishment", is really getting beyond control and rising by leaps and bounds. In 1913-14, the expenditure under this head rose to about 2 lakhs above the sanctioned estimate of Rs. 2,78,000 ; last year it exceeded the budget estimate of Rs. 2,91,000 by nearly 3 lakhs ; and calculating at this rate of increase we fear that in the present year the actual expenditure may exceed 6 lakhs. It is clear that this item of expenditure needs careful looking after.

My Lord, I now turn to a more pleasant duty. On behalf of the long-suffering people of about 800 villages in the districts of Hooghly and Burdwan I earnestly and sincerely thank your Excellency's Government for having adopted the scheme of Mr. Addams-Williams for mitigating the ravages of the annual Damodar floods ; and for having provided a sum of Rs. 35,000 in the Budget presumably for the selection of the sites of reservoirs and for the preparation of detailed estimates, etc. Mr. Terrel, who has already been deputed to select suitable sites for reservoirs, will, I hope, be soon able to find them.

My Lord, when such eminent and experienced engineers as the late Mr. Maconchy and Messrs. Horn and Addams-Williams agree in recommending the same scheme, there cannot be the least doubt about its feasibility and effectiveness, and your Lordship's Government, by the steps they have already taken, clearly show that they are of the same view.

My Lord, I need not tell you that the people of the affected area are profoundly grateful and they firmly believe that their sufferings will soon be over. I hope that after the war, which, we all pray and believe, will end in a few months more, in the complete triumph of our Gracious Sovereign and in the utter discomfiture of Germany, your Excellency's Government will lose no time in going up to the Government of India for a suitable and adequate grant, so that the beneficent scheme may be put into execution and completed during the term of your Excellency's tenure of office and your

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Rai Hari Mohan Chandra Bahadur.

Lordship's name may be, for ever, blessed and held in grateful remembrance by the people.

On behalf of my community, I thank your Excellency's Government for appointing a committee to consider and report on the best means of improving Muhammadan education. The appointment of this committee is only one of several ways by which your Lordship's Government have shown their solicitude for the advancement of Muhammadan education ; and my community is deeply grateful for it. The committee will, in the course of two or three months, submit their report, and we all hope and trust that their recommendations will be speedily given effect to and not pigeon-holed in the archives of the Secretariat.

My Lord, this is really a war Budget, though it does not directly provide for military or naval expenditure. The war has been the cause of diminished expenditure in many useful directions ; of many urgent reforms being held back and of many contemplated schemes being postponed. I may be permitted to mention one instance out of many of such postponement which greatly affect my community. The long-sanctioned scheme of a Muhammadan Arts college in Calcutta, which we all expected, would be taken in hand this year, has been held back.

This war, my Lord, is the greatest in history and as such it has caused an amount of human misery which no other war ever did before. But, my Lord, nothing in this world is an unmixed evil, and even this war, calamitous as it is, has its compensations. It has, during these few months, enabled the people, the Press, and the statesmen of the United Kingdom to know India more truly and correctly than years of peace and prosperity could have done. It has changed the angle of British vision towards Indian problems, and India hopes, after the war, to find her proper place in the councils of the British Empire.

It has shown to a wondering and admiring world the complete solidarity of the Empire over which the sun never sets, and proved that the ties, which bind its different parts together, are simply unbreakable.

It has also demonstrated that the resources of the Empire are vast and varied and almost limitless ; and that the bravery, endurance and heroism of its soldiers and sailors from different climes are simply wonderful and above praise ; and that all these are at the service of liberty, right, justice and humanity.

We are confident, my Lord, that the sure and inevitable result of all this will be that the British Empire will stand higher in the estimation of the world after the war than it did before ; and any future enemy will think thrice before he lifts his finger against it."

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR said :—

"MY LORD,

In the crisis we are passing through at present no better budget could have been presented to the Council, and I congratulate the Government on the same and, with Your Excellency's permission, offer a few observations.

It is very much to be regretted that we again find that the grant for works of sanitary improvements was not fully utilized. This, I believe, was owing to the District Boards and Municipalities not submitting schemes and drawing money. My Lord, I believe this state of things will continue unless and until the Sanitary Board is vested with powers to supervise effectually the workings of the District Boards and Municipalities in matters of sanitation and medical relief and to compel effectual steps to be taken to utilize the grant which Your Excellency's Government make for the purpose.

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Babu Mahendra Nath Ray.

While on this subject I again submit that it is extremely desirable that the Sanitary Board should be further widened and strengthened by the inclusion in it of some more representative men.

And once again I request Your Excellency's Government to take into consideration the question whether the pay of the lower grade ministerial officers should not be enhanced on account of the high prices of food-grains and increased cost of living generally. The slight improvement which was effected in their salaries many years ago has been more than swallowed up by the increased and increasing cost of the necessaries of life. I submit that a small committee consisting of an official and one or two non-official members may be appointed to consider the question and advise Government in the matter."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"YOUR EXCELLENCY,

I desire to be very brief; in fact, I had doubts whether I could usefully take up the time of this Council in offering criticisms on the Budget prepared under the special circumstances of this year. The most noticeable feature of the Budget is, of course, the economy necessitated by the stress of the great European war which is just going on. The Provincial Revenue must cover the charges, as, we are told, the Provincial balance is not available for expenditure with the net result that the bulk of the non-recurring grants on education, sanitation and other heads could not be provided. We, in this country, hardly feel, except through the 'Daily Press', that a great war is in progress which will have the effect of reorganising the whole civilised world, and which will, or is expected to, bring in order, justice and good-will, and no brute force will any longer rule the nations. So far as we are concerned up to the present moment, the sacrifices which we have been called upon to make are very, very slight indeed. Some great and important measures had been held up; and to take some concrete cases, affecting my own constituency, the people of Howrah, for instance, from which place I come, feel that their important schemes for the improvement of water-supply and sanitation have been suspended for the year because of the inability of the Government to make grants or to advance loans. The people of Howrah, I may add also, feel the loss of their popular Civil Surgeon who has been taken away to attend the sick soldiers. Experts tell us that the end of the war is in sight, and, therefore, let us hope that, when in March next we meet to consider the Budget for the next year, funds will be forthcoming which will enable the Government not only to continue the great and important works which are now being held up but also to contribute largely and substantially for the purposes of education and sanitation.

With your Excellency's permission, I shall make some brief references only to certain special points in connection with the Budget. Even a cursory study of the Budgets for the past few years will reveal the fact that very large savings are being annually made because of the non-utilisation of the Imperial grants on education and sanitation. This, I repeat, ought not to be. Works ought to be pushed on. The local authorities or the local bodies concerned ought to be roused into a state of activity, and unless that is done, it is not likely that sums devoted for such useful and important purposes as sanitation and education will be fully and properly utilised. I fully agree with my friend, the Hon'ble Rai Hari Mohan Chandra Bahadur, in his criticism of the existing constitution of the Sanitary Board and I believe that, until the Sanitary Board is placed upon a more representative basis, it will not be in a position to push on local authorities or local bodies in regard to the measures of sanitation to the extent I desire.

The Budget.

Dr. Nilratan Sircar.

My Lord, I can give another instance. It is fresh in our recollection that the Government of India has made an allotment of 10 lakhs of rupees for hostels in connection with the Calcutta University. The information which has just reached the Vice-Chancellor tells us that the conditions upon which the grant could be utilised are rather stringent, and unless your Excellency's Educational Department and the Calcutta University co-operate without further loss of time and with all possible expedition, I am afraid, at the end of the year we shall find that the bulk of this munificent grant of 10 lakhs will remain unexpended.

The next point in regard to which I beg your Lordship's leave to offer some comment is an allotment of some 4 lakhs of rupees which I find in the Budget under the head of 'Non-recurring expenditure' on education, the details of which have not been settled yet. The Calcutta University is in sore need of about a lakh of rupees for the completion of the Science College Buildings, and I hope your Excellency's Government will consider in connection with this allotment, the details of which have not yet been settled, the supreme need for the money from the point of view of the Calcutta University. I listened with very great attention nearly a month ago to the speech, which my Hon'ble friend, the Director of Public Instruction, delivered while introducing the head 'Education', and I was left in some doubt. I do not know exactly what the 4 lakhs of rupees, the details of which are unsettled, was going to be spent for. I hope, however, my Hon'ble friend, in view of the circumstances I have placed before this Council, will consider the situation. With regard to the division which I represent, I am very glad to see that the total allotment of Rs. 1,25,000 has been made to chain the river Damodar which caused so much damage only two years ago.

I trust, lastly, my Lord, that, with regard to the allotments made to the Municipalities of Chinsurah, Uttarpara and Asansol for the improvement of water-supply during the course of the last year, there would be no difficulty in making a re-grant, if necessary, in the course of this year in order that the works might be completed. I cannot conclude without expressing my full concurrence in what my friend the Hon'ble Dr. Sarbadhikari said about the inadequate measures taken by Government for the teaching of M.A. and M.Sc. in the mufassal colleges for the management of which Government are responsible."

The Hon'ble DR. NILRATAN SIRCAR said :—

"MY LORD,

The people of Bengal and particularly the medical profession of this Province are deeply grateful to your Excellency's Government for the munificent offer of the grant to the Belgachia Hospital. We appreciate this help particularly as it has been granted at a time of great financial difficulty on account of the war.

My Lord, I do not think there was any justification for refunding the sum of Rs. 50,000 to the Indian Research Fund but it should instead have been utilized in jungle-cutting, carried out as an experimental anti-malarial measure. It would be difficult to convince the people of this Province that no suitable site or opportunity could be found in Bengal for carrying out this experimental measure. The Malaria Committee did not act wisely by accepting the opinions of their experts in preference to what might have resulted from the experiment. Having regard to the fact that the Government of India had proposed the experiment and made the pecuniary offer on the initiative of some of the highest authorities in India, the public could never be satisfied with the decision of the Committee which actually suggested the diversion of the fund to another experiment, viz., under ground drainage in certain areas—an object quite foreign to the intentions

of the Board. No wonder that in these circumstances that body asked for a refund of the amount. Few ever thought that jungle-clearing would eradicate malaria altogether from any locality, but the present experiment might have demonstrated the part played by jungle as a contributory factor in the causation of malaria. It is not denied that jungle when growing near households does form suitable shelter for anopheline mosquitoes as well as conceal their breeding places. In Panama and Italy all jungle is clear within a radius of 100 yards from dwelling-houses.

If jungle clearing has been disapproved, drainage has fared no better. The Arool Bhil Drainage Scheme as an anti-malarial matter was rejected by the Committee; for are not their villages at a distance from the Bhil site where the spleen rate was somewhat higher than in the Bhil area itself? The common-sense man should have thought that though the drainage of the stagnant Bhil could eradicate malaria in that quarter yet one of the potent factors might have been removed by this means.

We thus find all the anti-malarial measures undertaken in 1913 amounting to the following total only :—

Thirteen Sub-Assistant Surgeons were engaged to distribute quinine amongst the people in certain districts.

Certain medical officers in charge of travelling dispensaries distributed quinine and collected vital statistics in Jalpaiguri.

Besides, the anti-malarial measures recommended in 1907 were carried on properly in four towns and partially in nine towns.

This speaks for itself. Against this we have five lakhs of deaths from malaria and at least ten times as many sufferers.

The whole world outside Bengal straightforwardly adopts the following measures indicated by Ross for the prevention of malaria :—

First—Destruction of the habitat of the anophelis in the larval stage (drainage, etc.).

Second.—Destruction of all protection of adult anophelis (jungle-clearing).

Third.—Prevention of access of anophelis into dwelling-houses.

Fourth.—Controlling the germs in the infected human body by quinine.

In Bengal the last one only has been adopted and that also on a small scale. As regards the other measures we are seriously advised by our experts to wait patiently in spite of an annual death-rate of five lakhs from this cause, until they find out the exact varieties of mosquitoes that carry malaria in Bengal.

But the Government of India are of a different mind. In their resolution on sanitary administration of the 23rd May 1914 the Government of India indicate that, besides encouraging the use of quinine by populations and minor anti-malarial measures, they advise that, notwithstanding the initial expense, those anti-malarial measures should be chosen which will act automatically, be independent of outside help and permanent in their effects. Presumably under this comprehensive definition the wide employment of major and minor sanitary works for the relief of surface and subsoil water is contemplated.

My Lord, I am aware that it will require a huge effort on the part of the Government as well as the people, very heavy expenditure and long time before we can achieve success. One asset we possess in the large stock of surplus anarchy of the people of Bengal and I think that by the adoption of proper means Your Excellency's Government can utilise a good portion of it for this purpose. As regards expenses, I trust your Lordship's Government will not shirk their responsibility in the matter considering that the annual

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Rai Radha Charan Pal Bahadur.

loss to the country in money value (taking the annual number of deaths from malaria to be about five lakhs and the average earning capacity of an individual Rs. 200, that is one-seventy-fifth only of that of an average inhabitant of Great Britain) is about ten crores of rupees.

My Lord, in a province where the death-rate is nearly thirty per mille, where the death-rate from fevers is nearly twenty per mille of which presumably at least half is caused by malaria, the usefulness of the knowledge of sanitary science cannot be overestimated. But this most useful knowledge is most neglected in Bengal. Bachelors of Arts and M.A's and M.Sc's may take their University degrees without knowing a single word about sanitation. In the primary school curriculum the subject of sanitary science finds a place, but the text-books selected are generally below the mark. Sanitary science is a growing science and an author must be a thoroughly educated and up-to-date man and should possess a thorough practical knowledge of the science based upon laboratory experience before his work can be a medium of instruction for young minds. And I am afraid that the Text-books Committee, constituted as it is at present, is not competent as a composite body to judge the merits of a text-book on matters connected with such a scientific subject. It is therefore desirable that there should be a separate committee of scientific men for advising the Director of Public Instruction in the selection of text-books on sanitary subjects.

I would like to draw the attention of your Excellency to the provisional arrangements that have been made in the Medical College Hospital in the vacancies caused by the reversion to the military department of some of their Indian Medical Service officers. The duties of a surgeon who used to operate upon dozens of cases every day were for some time being done by a physiologist and only for the last few weeks by another officer in addition to his own onerous duties as the head of one of the largest medical institutions of this city. The duties again of a physician are being done by a biologist also in addition to his own duties as professor of two scientific subjects, viz., Botany and Zoology. This sort of arrangement unjustly prevents officers of the subordinate ranks, many of whom are fully qualified for the situations now vacant, from rising to the aspired position. But anyhow an Indian Medical Service man must be found to officiate for the posts no matter whether the particular may have more than enough to do in his own line. I trust that your Lordship's Government will not be afraid of creating 'inconvenient precedents' and doing justice to the very deserving surgeons and physicians of the assistant surgeon class in this respect."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"MY LORD,

The order of the Government of India to keep our expenditure within our income as estimated in the Budget is no doubt due to the continuance of the disastrous war which has overtaken the Empire. Still, we are grateful to the Government of India for having allowed us to draw upon the provincial balance to the extent of nearly 30 lakhs and for a grant of a lump sum of 10 lakhs to the Calcutta University for the construction of hostels. The opening balance of the new financial year amounts to a large sum of Rs. 281 lakhs and it appears that this is mainly due to the curtailment of expenditure during the last financial year to the extent of 83½ lakhs, the bulk of which comprises reduction of expenditure on education and sanitation. My Lord, as citizens of the great British Empire, we do not grudge the most rigid economy and curtailment of avoidable expenditure during the continuance of the great war which is taxing to the utmost the resources of the Empire. We all hope the war will soon come to an end with undying glory to our gracious Sovereign. We have not the slightest doubt that the

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British arms aided by the loyal and devoted services of the Indian soldiery will come out victorious in the end. The Indian sepoys are fighting hand in hand as comrades in arms with their English brethren and the glory and success of the British arms is not only a matter of pride to our English fellow-subjects but to the teeming millions of His Majesty's Indian subjects. We have no doubt that after the termination of war the beneficent work of Indian progress and reform will be carried on with greater vigour and energy and greater sympathy with the wants, wishes and aspirations of His Majesty's subjects in this vast Indian Empire whose destinies have been committed by an all-wise Providence to the great British nation.

My Lord, the annual financial statement would be more clear and much more easily understandable if the departmental budgets were appended to it. The Government have granted the privilege to the non-official members of the reformed Council to examine, criticise and suggest amendments in the Budget with a view to meet the popular wishes as far as practicable and that generous intention can be best fulfilled by giving them proper facilities to examine the departmental Budget from which the abstract financial statement is made. This will enable the Hon'ble Members to understand the figures more fully and will enable them to render real and more useful help to Government. May I hope that this suggestion will be taken into the favourable consideration of your Excellency's Government? Another suggestion which I made last year I venture to repeat for your Excellency's consideration. The Finance Committee which is appointed late in the year and meets once or twice towards the end of the year practically does the formal business of approving the distribution of the unallotted amount. A more active participation of the non-official members can be secured if the Finance Committee is re-elected at the beginning of the year and is made a Standing Committee. All the projects intended to be included in the ensuing year might be laid before the Committee for consideration and the non-official members may be given the liberty of bringing any proposal for increase or decrease of any grant or inclusion or exclusion of any new item before the Committee. The interchange of views between the official and the non-official members in the Committee and the threshing out of the facts and figures in the Committee cannot but have a most beneficial effect. In such a Standing Committee much useful and solid work would be done and the non-official members would be stimulated by a sense of real mutual co-operation between the official and the non-official members in the framing of the Budget.

My Lord, a presidency or house allowance is not granted to the members of the Provincial Civil Service posted in Calcutta, whereas the same is granted to the members of the Indian Civil Service and to other officers in the postal and financial departments. To take a concrete example, there are at present four permanent stipendiary Presidency Magistrates and one temporary Magistrate, all of whom have to do the same kind of work, keep up the same dignity and prestige. But, unfortunately, whereas the pay of the Chief Presidency Magistrate (who is a barrister-at-law) ranges between Rs. 1,500 to Rs. 2,000 a month and the pay of the Second Magistrate, who is also a barrister-at-law, is Rs. 1,250 a month, the Third and the Fourth Presidency Magistrates, who have been selected for meritorious work from the ranks of experienced members of the Executive branch of the Provincial Civil Service, get only Rs. 750 and Rs. 650 a month, respectively. The pay is quite disproportionate and will compare unfavourably with those of the sister service, viz., the Judges of the Calcutta Small Cause Court, where the lowest pay of the Fifth Judge, even when he is a member of the Judicial Branch of the Provincial Civil Service, is Rs. 1,000 a month. To add to the inequalities, the Chief Presidency Magistrate and the Second Presidency Magistrate have been admitted to the scheme of the Presidency House Allowance, but the other stipendiary Magistrates, though their work is,

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equally arduous and onerous, and though they have to maintain the same prestige and position as their brother Magistrates the Chief and the Second Presidency Magistrates, have not been admitted to the scheme of the Presidency House Allowance, simply because they are members of the Executive Branch of the Provincial Civil Service. It may not be out of place to point out that the Under-Secretary, Revenue Department, though the present incumbent is a member of the Executive Branch of the Provincial Civil Service, gets and rightly gets Presidency house allowance as also the Collector of Calcutta and the Registrar, Co-operative Credit Societies, though both the posts are held by members of the same service to which the Presidency Magistrate referred to belongs. The enrolled officers in the Financial Department and recently some officers in the Post and Telegraph Department have all been admitted to the House Allowance scheme. The cost of living, including house-rent, has gone up by leaps and bounds in Calcutta and the officers posted in the Presidency Town find it very difficult to make both ends meet, with a due regard to their position and dignity. In the circumstances, I would respectfully request Your Excellency's Government to take the case of these hard-worked officers and redress their just grievances by bettering their emoluments and admitting them to the Presidency House Allowance scheme.

My Lord, an additional grant for the Presidency Magistrates' Courts owing to the division of the Courts and their location in three places has been made at a time when strict economy is being effected in all directions. I do not demur to the small additional sum, but I feel bound to submit to Your Excellency that the partition of the Courts has not produced any public advantage. Already the recurring cost of establishment has been considerably increased, besides a large sum has been spent in non-recurring capital expenditure in making additions to and alterations in the three new Court buildings at Bankshall Street, Kyd Street and Jorabagan. Although the Government have incurred additional expenditure the partition has not in any way increased the efficiency of the Courts. There is rush of work in one Court, while in another the work is not sufficient to occupy a Magistrate fully. The public have been put to immense trouble and inconvenience. The best legal help has been rendered costlier in criminal cases. The lawyers who have established their reputation have stuck to the Central Court and they now charge increased fees for their services in the two other Courts. The travelling expenses of the parties have more or less increased, the Courts being situated at inconvenient centres. Again, under the present arrangement, all S. P. C. A. cases relating to cruelties to animals, all traffic and Port Police cases, all motor-car cases, occurring in any part of the town, are now tried at the Kyd Street Court. An unfortunate carter may be arrested either by a S. P. C. A. Agent at Shambazar, or by a Traffic Police Constable at Bagh Bazar, but he would be hauled up all the way to Kyd Street, to be fined possibly a rupee or two, although he would have to pass over the jurisdictions of two other Courts at Jorabagan and Bankshall Street. A person living in Sitaram Ghose's Street near Harrison Road has to go to Kyd Street to institute a criminal case, although the Bankshall Street Court is very much nearer to him. What is the good of having a partition of the Courts, when cases arising within the jurisdiction of one Court are tried in another and parties in order to seek a redress of their grievances are compelled to go to a distant Court? It may give some work to a highly-paid Magistrate, who would otherwise remain idle, but it means harassment, worry and inconvenience to the public.

The partition has neither led to more efficient despatch of business, nor has it relieved the Registrar of his judicial duties so as to enable him to attend to his ministerial work properly, nor has it given a substantial measure of relief to the Chief Presidency Magistrate.

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As economy and efficiency are the watchwords of Your Excellency's Government, I would respectfully suggest that all the Police Courts might be more conveniently located in one big building. Then, if the work is more evenly distributed and the ungrudging services of the Honorary Presidency Magistrates are judiciously and properly utilised, the Government might eventually be able to dispense with the temporary Magistrate, not to speak of economy in the recurring cost of establishment. If this suggestion be accepted, the Government would not have to deal out these doles to the Police Courts, which would otherwise become a regular feature of the Budget for some time yet to come.

My Lord, a sum of Rs. 50,000 is set apart for gratuitous relief.

My Lord, last year a provision was made for raising the pay of the lowest grade of Munsifs. This year the sum has disappeared. An expectation was raised that it was about to be fulfilled and like a vision it has passed away. The Munsifs are a hard-worked body of public servants recruited from the best intellectual section of our community. The lowest grade Deputy Magistrate gets Rs. 250 but the Munsif gets Rs. 200 only. The Munsif's work is not less onerous and if I may say so is more onerous and burdensome than that of the Deputy Magistrate and yet he gets Rs. 200, a very miserable pittance for an educated man in these hard days. A feeling of despondency gives rise to discontent and I devoutly hope that the scale of pay would be revised.

My Lord, I am not able to know what provisions have been made for repairing the Grand Trunk Road. I once brought to the notice of Government the disgraceful condition of the road, over a portion of the road the Howrah-Amta line runs and the narrow portion that is left is simply impassable during the rains The road requires thorough repairs and in parts reconstruction. It is not to the credit of the Public Works Department that it should be so long left in this condition.

My Lord, the appointment of Mr. Swan raised high hopes in our minds that the Government would avail themselves of the present situation to take some practical steps for the encouragement of swadeshi industries. As yet we find no tangible result. The Government the other day accepted the resolution of the Hon'ble Raja of Kakina to develop small industries by all practical means. I am sure it is a sincere intention of Government to foster our industries. The wisdom of the policy of State aid to industries is recognised by the Imperial Government and many Provincial Governments have already moved in the matter. We are anxious that our Government should move in this direction. I do not mean that the Government as custodian of the public purse should spend money on speculative enterprise. Between embarking on wild speculation and the policy of *laissez-faire* there is a *via media* and I implore the Government to consider whether they should not follow some such path. There are some industries in Bengal which are in a pretty well developed condition. The companies are unable to develop them or extend their business to new lines owing to lack of capital and Government patronage. I mention amongst them the Bengal Chemical and Pharmaceutical Works and the Calcutta Pottery Works. These companies are not new ventures. They have demonstrated their capacities for successful and profitable management. I can also mention the comb industries of Jessore and the pencil and match factories in Calcutta. I understand the match factory in Taligunj suffers for want of match wood. I learn with pleasure that the Government has already signified its desire to help this concern by supply of wood. The Government may give sufficient impetus to the growth of new industries. It is a well-known fact that Bengal from time immemorial has been the home of manufactured sugar. The sugar industries of Jessore are a well-known fact, but in what a miserable plight are they now! Apart from date-sugar, the

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output of cane-sugar has also considerably fallen of. The indigenous sugar refineries, as was forcibly pointed out by the Hon'ble Rai Sita Nath Ray in the Imperial Council, are well-nigh extinct. The competition of Java, Mauritius and Austria-Hungary have proved too much for them. The Government can do a great deal. They can assist in the improvement of *gur*. It is well known that the crushing of cane is very imperfect in our country not more than 50 per cent. of sugar is extracted. Improved cane-mills for crushing may be popularised amongst cultivators and tuccavi grants made for this purpose. Experiments are being made in Madras, Bombay and the United Provinces. In the latter province I understand that financial aid to the extent of 7 lakhs has been given to two large sugar factories. We are aware of one such factory in Bengal which stands in need of such aid. There may be some factories in Bengal which may require such aid and the Government may, after due inquiry, well follow the example of the Government of the United Provinces. Next to sugar comes the industry of leather-making. Bengal is a great exporting centre of raw skins and hides, but there are few leather industries in our province and those that exist are not in a flourishing condition. I am glad to say that an Hon'ble Member of this Council is the proprietor of one and he has invested much capital in it. I am sure he can say as to how the Government can help the industry. Madras long ago showed the way of having a Government Leather Factory. Thanks to the exertion of Mr. Chatterton, this State-controlled industry has, I understand, paved the way for the growth of many private enterprises of its kind. May our Government begin some work in this line. The Government may demonstrate to the people the various cottage industries which may profitably be undertaken. The District Administration Committee has dwelt at length on the economic distress of the people, specially of the bhadralok classes. It is time that some practical steps were taken. The economic distress of the people is the root cause of the detestable crimes which have distressed the community so much. The Government may very well consider the question of appointment of a director of industries with an advisory board of experts to consider and devise the best means of promoting local industries and this is the most opportune time. I regret no allotment of money has been made in this year's Budget for the promotion of local industries.

The Hon'ble NAWAB SAIYID NAWAB ALI CHAUDHURI, KHAN BAHADUR said :—

"MY LORD,

It is with great pleasure that I congratulate the member in charge for providing us with a satisfactory budget in this time of stress and trouble caused by the war now raging in Europe and which has not permitted the usual normal allotments to be made under the different heads of expenditure. It is no doubt rather disappointing to us to find many desirable and pressing schemes of reform put off on account of the extraordinary financial situation, but we must be thankful for whatever we have been able to get in the shape of modest doles which, let us hope, will keep us going till better times come, as come they must to-day or to-morrow.

EDUCATION.

I am sure our sincerest thanks are also due to our Hon'ble friend Mr. Hornell for the best consideration he has given on the adjustments of the budget heads with the very limited resources at his disposal.

Madrassah Reforms.—I shall be failing in my duty if I do not at the very outset express my high appreciation of the motive which prompted Your Excellency's Government to give effect to the long-wished-for scheme of Madrassah Reforms at a time when the purse of Government has been

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stretched to its utmost. It will open a new era to the Muhammadans who have for many years past lagged behind in the race of life. And the carrying out of this much-needed reform will fittingly lead up to the Faculty of Islamic Studies to be established in connection with the Dacca University.

Mohsin Grant.—My best thanks are also due to Your Excellency's Government for the increased provision of stipends and part payment of fees of Muhammadan students out of the Mohsin grant set free by the provincialisation of the Chittagong, Dacca, Hooghly and Rajshahi Madrassahs. By this act of benevolence Your Excellency will ever be remembered with feelings of pride and gratitude.

Dacca University.—Another important proposal which has been hanging fire for some time and with which is bound up the educational interests of a large section of the people of this Presidency, is about to emerge from the domain of the problematic and become an accomplished fact. For I take it, my Lord, that an allotment for the Dacca University even in this year of financial embarrassment, is a sure indication that Government are fully alive to the importance of the scheme. And let us hope that sanction will be obtained for the detailed scheme without any further loss of time, and the work of building up the first residential University of India expedited.

Hostel accommodation for Moslem students.—Talking of the residential University brings me on to a subject on which my community feels very strongly —I mean the want of adequate hostel accommodation for the Moslem students of Calcutta. And in this matter our grateful thanks are due to Your Lordship's Government for the liberal grant for an extension of the Baker Hostel. I desire at the same time to make it clear that any extension of the Baker Hostel, whatever its usefulness might be in connection with the proposed Moslem College and other Arts Colleges, will not certainly dispense with the necessity of founding another suitable hostel in the vicinity of College Square to accommodate the Science and Law students of the Presidency College and of the University.

It is truly conceived that for the training of the intellect and for the moulding of character the students should be brought together outside school hours under conditions of greater individual freedom. The effect of corporate life on character is great. It promotes intellectual discipline, mutual sympathies and universality of true knowledge—an object which can be attained only through the personal and active co-operation of teachers and students. The conditions under which a considerable proportion of our Calcutta students live are unfavourable to the growth of that *esprit de corps* which alone enlarges the mind, broadens sympathies and fits students for public duties.

It is, however, a matter for great regret that the two premier colleges in Calcutta, *viz.*, the Presidency and the Law Colleges are yet without any hostels for Muhammadans. The benefits of residential colleges are immense and should not be denied to a section of the community whose interests are bound up with the material progress of the country they live in. The Muhammadans have reasons to feel that in the matter of higher education they have not received their due share of attention from the University which guides the destinies of our schools and colleges.

As instances of the apathy of the University authorities towards the interests of the Muhammadans, I may here point out that although the University received a grant of 3 lakhs of rupees from the Government to erect a college hostel, no provision was made for accommodating Muhammadans therein. Certainly, Government did not specify that the sum was to be spent for any particular community. I shall also take the liberty of giving another instance. The Government grant a sum of about ten thousand rupees and sometimes even more on an average, which is further supplemented by

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University grants for the Calcutta messes. Till 1913 only one Muhammadan mess appears to have received Rs. 20 per mensem and one other perhaps a similar sum. The consequence has been that Muhammadan students are obliged to find quarters in unhealthy centres away from all that contributes to healthy living.

We certainly owe an immense debt of gratitude to the Government of India for the very liberal subvention of 10 lakhs to the Calcutta University for provision of hostels for students in Calcutta. But our gratitude would have been still greater if a substantial portion of this had been earmarked for hostels for Muhammadan students of the University. Knowing, as I do, of the anxious solicitude of the Government of India for all that makes for the educational advancement of all classes alike, I appeal, on behalf of my brethren, to Your Excellency in the hope that a suitable portion of the Government of India's subvention will be earmarked for hostels for Muhammadan students in College Square.

Moslem Institute.—While the University Institute comes in for an allotment, it is a matter for regret that no provision has been made for the Moslem Institute, the needs of which have already been pressed upon Government.

Hastings House School.—I hope Your Excellency will pardon me when I raise my voice against a scheme for the foundation of a special school for the children of men in affluent circumstances, I mean the Hastings House School, as I understand from the speech of the Hon'ble Mr. Hornell when explaining the Education Budget. The inception of the idea comes as a surprise to me. I am afraid that the public was not consulted in the matter by Government in the same manner as in connection with a very similar scheme proposed by the Dacca University Committee. In opposing the scheme, I do not oppose the principle of starting a model school on the lines of public schools in England, and I would have had nothing to say against the Hastings House School if it were entirely endowed by the well-to-do classes I would surely advocate the necessity of a model institution staffed, equipped and furnished after the fashion of a best English school, provided it be thrown open to those who might choose to receive the best education and bear its expenses and be maintained by them exclusively. Such an institution will do a world of good to the ordinary schools in general who will endeavour to emulate the high standard of efficiency maintained by it in respect of education, discipline, management and organisation. My Lord, I think it is only meet and proper that public revenues coming as they do from the coffers of the rich and poor alike should be utilised in the best interests of the people. And to my mind there can be no justification proposing to spend a large sum from general revenue for the sake of a favoured few who should be able to provide for the education of their children without any financial aid from Government. I beg to remind Your Excellency that all the arguments which were made use of against the proposed college for the well-to-do classes, which has since been knocked on the head, can be applied with greater force against the present proposal, for under the Dacca scheme the institution was not meant to be a burden on public revenues.

POLICE.

The Police Department has our sympathy in the very responsible and arduous task before them especially at this juncture. That some heinous crimes which are on the increase go undetected is a matter of great concern to all of us and may indicate the inefficiency of the police, and I am sure that in the best interests of Government and the country, we shall be glad to see the police staff so strengthened numerically as well as in point of efficiency as to be able to cope with the evils now existing and which threaten the homes and hearths of the people.

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MEDICAL.

Malaria.—The Malaria question seems to loom large just now. From a perusal of the latest report on the sanitation of Bengal, I notice with grave concern the increase in the death-rate as compared with the other major provinces while there is a marked decrease in the birth-rate, 72 *per cent.* of the general death-rate is put down to *fevers* which we may take it is mainly malaria. It is therefore to be regretted that the grants for works of sanitary improvements have not been fully utilised and that the sum of Rs. 50,000 has been returned to the Indian Research Institute as the sum could not be utilised in the manner suggested by that body.

Water-supply.—In this connection I note with regret that neither under Medical nor Civil Works do I find any allotment for water-supply. The want of pure drinking water is greatly felt in the mufassal stations, and it is an urgent necessity the importance of which cannot be overrated. In this matter I may add that the District Boards labour under a great disadvantage. For although there are ample funds in the hands of the District Boards, thanks to the release of the Public Works Cess, according to existing rules for the supply of pure drinking water the local people have to contribute one-third of the cost, and this hard condition does not make it possible for District Boards to undertake the work in very many instances. I beg to point out that this rule prejudicially affects those localities where the poverty of the people does not allow the contribution of the requisite one-third to be made. Thus in practice only those who are comparatively well-off and not those who are really in need can, under these conditions, derive the benefit of District Board grants for drinking water.

Having regard to these circumstances, I think it is proper that a fair proportion of the Public Works Cess should be specially set apart for the supply of pure drinking water in the mufassal, and the stringency of the present rule should be relaxed in favour of poorer localities.

EXCISE.

I notice that there is a slight increase in revenue under excise, though there is a fall under other heads notably under Stamps, and this steady increase year by year demands our serious consideration. I would take this opportunity of urging Government to extend the system of local advisory committees in Bengal with increased power over the issue of licenses. In the matter of counter-attractions to intemperance, it would be interesting to know what Government intend doing In this connection, I may observe that I am not aware of any local temperance organisations engaged in useful work having local habitations for public meetings or reading-rooms stocked with temperance and purity literature. I might also here suggest that the question of the introduction of temperance teaching in schools be reconsidered and more lessons on the subject introduced and facilities given to colleges and schools to have temperance and purity lectures and Bands-of-Hope instituted by means of which useful work may be done systematically among the youth of the country.

The time-limit does not permit me to say all that I wish to say, and in concluding I cannot but repeat my thanks, and the thanks of those whom I represent, to Your Excellency's Government for tackling the present situation in a truly statesmanlike way. We are passing through a period of extraordinary stress. And I am proud to point out that my community has been preserving a perfect equanimity in the midst of rather trying circumstances. Before resuming my seat I can assure Your Excellency, if any assurance is necessary, that the Moslem community is loyal to the core to-day quite as much as it was before the European war broke out."

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Raja Dinendra Narayan Ray.

The Hon'ble RAJA DINENDRA NARAYAN RAY said :—

"MY LORD,

It is with very great pleasure that I congratulate the Government on the successful results in the Budget which provides for no new taxation in spite of the critical financial situation caused by the outbreak of the European war.

2. We have to offer our grateful thanks to the Government of India for permitting us to draw on our accumulated balance to the extent of nearly thirty lakhs for expenditure during the ensuing year. But for this liberal treatment, which is highly appreciated in the present critical financial situation, our necessary expenditure would have had to be curtailed considerably.

3. On the whole the Budget under all the heads has been so carefully prepared and so lucidly explained that not much remains to be said by way of suggestion.

4. There is, however, one point in regard to the provisions under Education and Medical on which I desire to make some remarks. The actuals for 1912-13 and 1913-14 and the revised estimates for the current year under the heads compare as follows with the Budget grant for the years.

		1912-13.	1913-14.
		Rs.	Rs.
22. Education ...	Budget ...	78,45,000	1,34,88,000
	Actual ...	73,77,000	81,12,000
		1914-15.	
		Rs.	
	Budget ...	1,45,43,000	
	Revised ...	83,73,000	
		1912-13	1913-14.
		Rs.	Rs.
24. Medical ...	Budget ...	36,95,000	41,01,000
	Actual ...	26,42,000	28,50,000
		1914-15.	
		Rs.	
	Budget ...	47,81,000	
	Revised ...	30,23,000	

These figures indicate that although provision under these heads is very generously made in the Budget the actual expenditure falls far short of the estimate. This is apparently due to the fact that it takes a good long time to mature a new programme in the direction of reforms. I fully realise that it is not in any way desirable to rush through any scheme simply with the object of spending the money provided for in the Budget. It however occurs to me at the same time that this inevitable delay is due partly to the present arrangement of incurring the major portion of the expenditure through the agency of Government. I find from the actuals under head 22—Education that nearly $\frac{1}{4}$th of the total expenditure is given as grants for expenditure by local bodies leaving $\frac{3}{4}$ths to be spent by Government themselves. This ratio, I submit, may be increased considerably by giving to the local bodies a larger share in the expenditure. Municipalities and District Boards may easily be asked to open new colleges and schools or improve the status of existing ones at the cost and under the direction of Government. This is, I submit, more desirable than showing a large unspent balance under head 'Education' from year to year. It may also remove the

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congestion in the existing colleges in calcutta of which we hear so much now and again. There is only one Medical College in Calcutta and every one knows that a large number of boys are refused admission into the college every year simply for want of accommodation. I am not aware whether there can be any serious objection in having two instead of one Government Medical College, or subsidizing well-managed private medical schools so that their status may be raised. I have the honour of being a governor of the Mayo Hospital which renders, I believe, valuable medical aid to a very large number of residents of the northern part of the town and it is, I know, badly in want of additional funds though its resources are administered very carefully and economically under the wise management of Colonel Maynard, the Superintendent of the Institution.

5. I may be permitted to add that the unspent portion of the Budget provision under the heads 'Medical' and 'Sanitation' may also very usefully be applied to sanitary reforms through Municipalities and District Boards which for want of funds are quite helpless in combating with the ever existing havoc played by diseases like malaria, small-pox and cholera throughout the length and breadth of the Presidency.

6. There is no more crying want in the province than the provision of pure drinking water in the mufassal. All the learned researches about malaria will be of no avail if the people have not got pure water to drink. We can do without a grant to the Calcutta Improvement Trust or additional expenditure on Education, Police, Public Works and Medical relief, but we cannot do without pure drinking water. I am inclined to think that every pice unspent under any head may be devoted to the provision of pure drinking water for the mufassal. It is a subject the importance of which no one in this Presidency, whether in or outside the Council, will deny, and I do not find adequate words to impress upon our sympathetic Government this prime necessity of the Presidency, a necessity beside which all others pale into insignificance.

7. I have now only to express a hope that the Government will in future be pleased to direct their attention to the crying want referred to above instead of keeping a large budget provision unspent under the Heads of 'Education' and 'Medical.'

The HON'BLE BABU SURENDRA NATH RAY said :—

"MY LORD,

It is a matter of congratulation that in this year of stress and strain, your Lordship's government have been able to present, if not quite a prosperous, at least a fairly presentable budget. But, my Lord, in prosperous years when there was, if not superfluity, at least fairly large sums at the disposal of your Lordship's Government due to large allotments made by the Government of India, your Lordship's Government did not utilise the money and we find the Hon'ble the Director of Public Instruction complaining this year that the amount available falls far short of requirements.

In placing the financial statement in the Imperial Council on the 1st March last Sir William Meyer while dealing with provincial expenditure said : 'The aggregate provincial expenditure was taken in the budget at 34 millions sterling. It is now estimated at $1\frac{1}{2}$ million sterling less, viz., about $32\frac{1}{2}$ millions. The principle reductions occur under education, medical and civil works, and are due to the Local Governments not having spent in full the grants at their disposal for the development of education and sanitation and for other purposes. As I suggested in paragraph 28 of my speech last year, I was a little sceptical then as to their ability to spend all that they hoped ; and

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it may be that some lapse would have occurred in any case'. My Lord, if the Finance Member of the Government of India was sceptical about the inability of the Provincial Governments to spend the Imperial grant whether recurring or non-recurring there were men among the non-official community, whether in this Council or outside, who also thought that the money thus granted would not be spent. From the financial statement which has been placed in our hands it appears that there was a total decrease in the revised estimate on the expenditure side for the year 1914-15 of Rs. 99,75,000 and of this amount no less than Rs. 61,70,000 are due to savings in the Imperial grants for both recurring and non-recurring expenditure on education. I think, my Lord, it was the intention of the Imperial Government that the money which is set apart for a particular purpose should be spent; at least there ought to be some attempt on the part of Government to spend it. We do not know what steps have been taken by Government to spend the money and we have not been able so far to see any indication in that direction. We are not in the secrets of Government, but we have every reason to believe that if Government had the will it would have spent, if not the entire, at least a good portion of the money allotted. Complaints are generally made that improvements cannot generally be made on account of lack of funds. But seldom do we find that ways and means cannot be found to spend money in a profitable way when we have got it.

The secondary education of this country is almost entirely in the hands of its people, the expenses being almost entirely borne by them. Though, according to the Government rules, Government contribution is not to be more than one-half of the income guaranteed from private sources, the actual contribution has only been about 14 per cent., or a little less than one-seventh. It is with very great difficulty that the school authorities can make both ends meet. The Indian Universities Act of 1904 and the regulations framed thereunder have imposed additional obligations on the authorities of secondary schools which require additional expenditure. It was expected that Government would come forward to help the schools with monetary grants to tide over their difficulties, but very little has been done in this direction. For the last three or four years there have been no doubt large grants by the Imperial Government to this Government for expenditure on education. But these grants have not been distributed to the institutions they were intended to benefit. My Lord, we hear of complaints about the management of secondary schools. But we should like to know what steps have been taken by Government to improve the financial condition of these schools so that they may have funds enough at their disposal to employ good teachers that the boys may live in healthy surroundings. If Government had been in actual need of funds, that would have been quite different. But when Government have got the money and money for the purpose of spending on education, one really cannot understand why the schools should starve.

I have been informed that a large number of schools cannot comply with the University Regulations and have been threatened or may be threatened ere long with disaffiliation. But compliance with University Regulations means additional expenditure—additional money. Government have not so far contributed their fair share to the secondary education of this province. The people have got a legitimate grievance on this head which needs redress.

The policy of Government with regard to primary education has, I venture to submit, not been altogether satisfactory. The policy pursued by Government with regard to the allotment of grants from Provincial revenues and local funds with regard to primary education has tended towards taking away the grants from private schools and concentrating the same on the development of board primary schools so that during 1913-14, 626 primary schools were abolished with a diminution in the school-going boys of more

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than 17,000. If, with the large sums allotted for education by the Government of India, Your Lordship's Government are unable to improve or even to keep alive the existing primary schools, the prospect of the progress of education in this country does not appear to be very bright.

While on the subject of education I should like to suggest for the consideration of your Lordship's Government the desirability of establishing elementary schools for girls throughout the Presidency. If primary education for boys is necessary, that for girls is equally so. Time has come when a beginning ought to be made in this direction. It is time that Government should unloose their purse-strings for fostering primary, secondary and female education of the Presidency. Government may have at heart the desire to improve the education of the province, but people are anxious to see more practical demonstration of the same.

PROVINCIAL JUDICIAL SERVICE.

In answer to a question at the meeting of this Council on the 19th January last as to whether the abolition of the existing last grade of Munsifs in Bengal would take effect from the commencement of the current financial year, as provided in the current year's budget, if not, from what date would the abolition take effect, and what the reasons for delay were, the reply was given that it was not possible to state from what date the abolition of the last grade of Munsifs in Bengal would take effect. We were further told 'Government regret that they are not prepared to make recommendations at the present time for the immediate increase of expenditure which the proposal would involve and are awaiting the report of the Royal Commission on the Public Services before taking further action in the matter.' I need hardly say that the answer is very disappointing. It was expected that the last grade of Munsifs drawing at present a pay of Rs. 200 would get the pay of Rs. 250 from the beginning of the last financial year, *i.e.*, 1914-15. In fact, provision of Rs. 21,000 was made in the budget of 1914-15 for giving effect to the present proposal, but we are now told that the last grade of Munsifs must await the report of the Royal Commission for the increase in their pay. It is unfortunate that when these hard-working officers were on the tip-toe of expectation of getting an addition to their pay, they have suddenly been told that they would have to wait for an indefinite period. The Courts of Sub-Judges and Munsifs are one of the principal sources of income to Government. Government would not have to bring money from other heads of revenue to pay them this additional amount. Since the constitution of this Royal Commission, the members of the Indian Civil Service have had their salaries increased twice, no doubt not twice in this Presidency. They were never told to await the report of the Royal Commission. When about two years ago Government found that there was block in the promotion of the members of the Indian Civil Service in the Punjab and the Central Provinces and I think in the United Provinces as well, an increase in their pay or a separate allowance was given to them. When again after the outbreak of the great European war, the members of the Indian Civil Service who were on leave had to return to India, additional allowance was given not only to those who had been deprived of acting or deputation allowance but to all members of the service. They had not to await the Report of the Royal Commission. Nobody objects to the granting of these additional allowances to the members of the Indian Civil Service for it is necessary that the hard-working and devoted servants of Government upon whose shoulders fall the task of administering the empire should remain content if you want to get full share of work from them. But if the members of the Indian Civil Service deserve well of the Government, the members of the Provincial Judicial Service equally deserve encouragement at the hands of Government. They are really an ill-paid lot of gentlemen who do hard work without complaining and in

places where proper accommodation being wanting they have to live in huts. But whether they live in huts or in brick-built houses, their administration of civil justice yields a large revenue to Government. It is necessary that every wheel in the machine should be properly greased if you want the machine to work properly. It is only fair that Government should treat all their servants in the same way, that no branch of the service should be discontented. In the Provincial Executive Service the minimum pay has been raised to Rs. 250. It is rather anomalous that the pay of the last grade of Munsifs should still be Rs. 200.

My Lord, the amount which will be required to raise the initial pay of Munsifs to Rs. 250 a month is not very large. It is only Rs. 21,000. I need hardly say that if Government have the will, they will find out the ways and means to give effect to this proposal.

MALARIA.

My Lord, malaria is decimating the country. From the answers given to my questions on the 2nd March, it appears that in the district of Nadia alone nearly 12,000 people died in the month of November last and nearly the same number in the month of December. If proper enquiry is made it will be found that a large number of these deaths is due to malaria.

That quinine is the best remedy for the cure of malaria is admitted on all hands. It is, however, said by those who are in a position to speak with authority on the subject that at least 80 grains of quinine should be administered to a patient suffering from malarious fever to check the disease effectively. But dispensaries and hospitals in the mufassal can ill afford to pay for and adminster quinine according to this rule. They are financially not so solvent as to distribute such large quantities of quinine as is considered to be sufficient to kill the malaria germ in the system and prevent the relapse of the fever. We are grateful to your Lordship's Government for the steps which have been taken to improve the sanitary condition of this Province. Large contributions have been made by Government for the supply of pure drinking water in mufassal towns. But steps should be taken to give greater medical relief to the poor. Certain quantities of quinine have no doubt been supplied free of cost to the mission dispensaries at Ranaghat, Ratanpur and Meherpur. Your Lordship's Government stated the other day in reply to my questions about the insanitary condition and heavy mortality of the Nadia district that District Boards and Municipalities had been requested to arrange for the administration of adequate doses of quinine to all persons treated for the disease at charitable dispensaries. We have also been informed that in exceptional cases grants had been given from Provincial Revenues to such municipalities as were really unable to bear the extra charge incurred on this account. The rich and the poor alike have been suffering from the effects of malaria,—its ravages have been far and wide. I respectfully submit for the consideration of your Lordship's Government that if there be a substantial contribution from Government for the free and larger distribution of quinine, if as a beginning at least 250 dispensaries be supplied with sufficient quantity of quinine, thousands of poor people will be saved from the jaws of death. Magistrates and Civil Surgeons in charge of malarious districts might very well be entrusted with the disbursement of the amount under this head. It is time that the Public Works cess which has been set free should be properly spent in sanitary improvement of districts and be not amalgamated with the income from other sources of District Boards.

JUNGLE-CUTTING

We find from the Financial Statement that your Lordship's Government have returned to the Government of India the sum of Rs. 50,000 which they had paid for jungle-cutting. The first thought that struck us on reading about this refund was that there was no more any jungle in the

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Province, otherwise why should your Lordship's Government take this unusual step of refunding this amount? The second thought was that Government of India must have made a mistake in connecting malaria with jungles in this Province. We have, however, not been informed as to what led to the refund of this money."

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF said :—

"MY LORD,

I shall with your Excellency's permission make a few observations on some outstanding questions of the day.

Naturally, the subject of education claims an important place in our attention. As belonging to the commercial Muhammadan community, my views and those of the Government, as embodied in the expenditure side of the Budget, do not coincide. There is much to recommend in the old saying 'Learning for learning's sake': it represents the high-water mark of scholastic altruism; but men can't grow and races cannot live on mere learning. My Lord, I am not concerned with politics in education, and I venture to urge that in order to free our schools from the suspicion or the taint of political bias, the best way to approach the question of education is as one of education and not of politics. And if we approach the question as I submit it should be approached, what have we done to equip the people for the struggle for existence, what have we done to bring hope into the homes of the thousands of our poorer middle classes, for whom the uncertainties of to-morrow are even more fearful than the sufferings of to-day? We talk glibly of agriculture and of return to the land; but apart from the difficulty of finding suitable lands, could the middle classes here or anywhere else in the world compete with the manual labour of actual cultivators, with their special inheritance of centuries of work in the fields, or would they be able to compete with artisans where families, men, women and children are engaged in their handiwork? My Lord, Germany was an agricultural nation until recently and so was Japan. We must study the methods which these countries have pursued to introduce and develop the spirit of industrialism in their peoples and adapt them to Indian conditions and, in invoking light, we must go to other prophets than those bred on the soil of India. What we want is not more directors and inspectors for the supervision or suppression of existing institutions, but schools which will teach our boys industries suited to India and how to develop them, not as if we had the wealth and organisation of the West, but according to our humble resources and materials. We want our boys to be earners of bread and not to be mere on-lookers on stores which they may not touch. Apart from politics, just as you cannot stop a starving man from breaking into a provision shop, religion or law notwithstanding, you cannot stop mental ferment when there is something radically wrong in a system which only teaches our young men to read and write and nothing more. I see no indication in our Budget of any real move in this direction. A committee of experts composed partly of those who have the knowledge as to how these problems have been solved outside India would be of great value to the people. Whatever may be the character of the controversy over the question of Secondary Education, there is no question about Primary Education and the disappearance of nearly 500 primary schools and 30,000 pupils is a matter for serious consideration; especially, as it is in these schools that the number of Muhammadan boys has any real relation to the numerical position which they hold in the general population. Various causes have been assigned for this decrease in primary schools, none of which is satisfactory. I believe it is the insistence on a more expensive type of primary schools that has led to this result. We must bear in mind that these schools are meant essentially for the very poor, and if

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we cannot find means to support these schools, can we not afford to avoid improving them out of existence?

From Education to Jail is not a violent transition, if all that the Administrative Committee has reported is accepted. I understand that, at present, juvenile offenders are taken to the new juvenile ward direct from Alipore and Sealdah. I hope this arrangement may be extended to Calcutta. It is a matter of sincere gratification that juvenile offenders are taught useful handiwork in the juvenile jail at Alipore; but there is no provision under which the careers of these offenders subsequent to their release are watched or guided. Once in jail, it is difficult to find agreeable employment outside it, and this question of providing work for released convicts, who are trained inside the jail is one which demands serious attention. In my mills I have had from time to time taken about 500 boys from the Alipore Reformatory School; but my expectations were not realized. These boys left the mills as soon as their term expired; and though I built separate special quarters for them to make them as comfortable as possible they never put in appearance again.

I would call special attention to the high death-rates in some of the jails, viz., 51·7 per mille in Burdwan, 59·9 per mille in Barisal, 83·6 per mille in Howrah; and while dealing with this subject, I would call earnest attention to the want of arrangements for segregation and separate treatment of consumptives. It is a pity that this want should continue.

My Lord, it is not an easy matter to speak of the Police. That they are doing their duties under circumstances of exceptional difficulties, only a heartless man will deny. The training schools have given us a better type of men; but there cannot be an efficient police, unless there is frank co-operation between the public and the police, and this cannot be secured until the latter realize that they are the servants of the public and not their masters, that their general behaviour towards the public should be marked by courtesy and consideration and not by bullying and intimidation. Whatever the training schools may teach, nothing is more essential to a police officer than good manners, and good breeding, willingness to help and abstention from needless interference.

My Lord, there is a marked increase of expenditure in the Criminal Investigation Department. I know that under the peculiar circumstances of the times this cannot be helped, and so long as assassinations and dacoities are resorted to by youths who should know better, the expenditure on this head cannot be justly curtailed. It is said that amongst these criminals are young men of good birth and social position. But do they realize the essential cowardice involved in killing an unsuspecting man even if he were an enemy, and that it is opposed to all religion and every dictate of morality and humanity? Has ever any nation risen on the soiled and slippery steps of crime? This is what I so earnestly wish they could realize in the very interests of the motherland.

My Lord, the community to which I have the honour to belong, is unfortunately a poor community and for want of educational facilities is necessarily lagging behind. We are grateful to Government for the encouragement it is giving to Muhammadan education; but it will not be right to solve the problem in the way in which it has been solved for the other communities in India. For the great masses of our people, agriculturists or working men, we do not want any elaborate system of literary education. We want schools where particular classes of our people may be trained in arts and crafts for which they may have already shown some aptitude. Our weavers, our potters, our other craftsmen will be all the better, if they are taught the elementary principles of the work in which they are employed, if for them it could be raised from mere manual handling to a conscious process

of the brain. It requires great forethought and care, for we must preserve the inborn artistic sense and not petrify it into wooden moulds. There is good material at our disposal, if only we could utilise it. The Muhammadans of the maritime parts of Bengal have proved their capability as reliable and intrepid sailors. Must they for ever remain the ignorant serangs that their forefathers were? A school in Chittagong for teaching them the elements of the art of navigation will not be a useless investment, when the Government of India will have a navy of its own. Muhammadan youths have been good mechanics, good joiners, abstemious and sober, and if their difficulties, principally of means, could be overcome by giving them special facilities for technical training, the community, as a whole, would greatly profit. This aspect of Muhammadan education, I hope, will not be overlooked.

Then, my Lord, my community is not adequately represented in the public services of the Province. I am not one of those who would train our youths simply for Government service; but circumstanced as we are in Bengal, I confess it gives our youths an honourable career, it makes our further advance socially and politically more possible and supplies the elements of self-respect and self-dependence. The future of this province, where the Hindus and Muhammadans are nearly equal in number, very much depends on their mutual co-operation and good understanding, and that can only be possible when the two great communities stand on an equal level. To this end, I hope both Hindus and Muhammadans will cheerfully work. And, my Lord, while I am on this subject and before I conclude, it is well to point out that the time has come when the position of the Muhammadan community on the District Boards and Municipalities should be considered and defined. The municipal elections, lately held in Calcutta, have resulted in the return of not a single Muhammadan candidate. It may have been our fault; but surely our Hindu fellow citizens could very well have exercised some self-restraint to allow some of the Muhammadan candidates to be returned for wards largely composed of Muhammadan residents. My Lord, it is not now the time for me to say anything about special electorates.

My Lord, there is one other question to which I should like to briefly refer. Indian manufacturers are suffering from want of materials and ingredients. I cannot ask the Government to come to their help, for I know the Government are powerless in this matter. But, my Lord, without entering into trade or business, the Government can help them in many other ways, if they have a real Commercial Bureau, where people desirous of starting industries for which there may be a reasonable opening, can get all the information they want. It is not possible for Government to be in a position to give information on every conceivable subject, but it may, however, take up the question of some industries which they think may be profitably started in India and place information regarding them before the public. Such information may fall on deaf ears for some time: but if the way could be shown towards starting industries on a commercial basis, capital will not be lacking in Bengal.

My Lord, the year we have entered upon will necessarily be a strenuous one. But the special aspect of it to which I wish to invite the attention of Your Excellency's Government is the awkward situation of my community in India, in the present war. I feel we are here to help the Government: not to deceive it. Therefore, I have not the least hesitation in assuring the Government that no Muhammadan can contemplate without emotion the breaking up of the Ottoman Empire. Its great traditions and past achievements are a heritage of which the Muhammadans are proud. I think I need not say that such members of the Muhammadan community, who advertised that they had no sympathy with Turkey in the present crisis, vainly tried to deceive the Government and underrated their intelligence and judgment. But I can, with equal force, assure the Government that all Indian Muhammadans most deeply

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deplore the rupture of the old, old friendship between Turkey and Great Britain. I am here intentionally avoiding the question of the loyalty of the Muhammadans of India to the British Throne ; for the simple reason that it must not and cannot be questioned. However, our only hope is that the Muhammadans of India, who form no inconsiderable part of the Muhammadan population of the world, will be enabled to rekindle the light which the Muhammadan universities of old had lighted. In that we ask the helf of our Government and their support, and I am sure we will not be disappointed."

The Hon'ble MR. CHAKRAVARTI said :—

"MY LORD,

I shall confine myself to two or three topics for purposes of my criticism. I have held and I still hold that, as long as there is this struggle going on with the external enemy, it does not serve any useful purpose to criticise the internal administration, except where the questions are of such paramount importance that they require immediate attention on the part of your Excellency's Government. There is one matter to which allusion has been made by several Hon'ble Members, and to which I desire to draw your Excellency'a attention specially. I am told that during the last two months of last year, that is November and December 1914, in the district of Nadia, the number of deaths from malarial fever amounted to the appalling figure of 23,000. Whatever may be the theory in regard to the causation of malarial fever—as to whether it is to be attributed to anophelis or any other kind of animal or stagnation of water in the sub-soil. I do not pretend to have any scientific knowledge of the subject so as to be able to offer any useful suggestions as to the method to be employed. I take the fact as it is, that in one district, Nadia, during the months of November and December last the number of deaths from malarial fever amounted to 23,000. But there is one thing which was noticed by the man in the street in Nadia, and it was this that people who had a short distance to go for their drinking water from the Jellingi suffered far less from malarial fever than those people who were away from the Jellingi and who had to depend upon water drawn from tanks, wells, etc. It seems to me that it may, after all, be a question of the supply of good drinking water ; but, however that may be, I find no solution at all, except that I may congratulate my friend the Hon'ble Nawab Shamsul Huda with regard to the possession of a sanitary officer for the town of Krishnagar. This gentelman has found his office regarding sanitary duties a sinecure because he tells me that he has no funds with which to help the people at all. There is a little small-pox in the town—imported cases from Calcutta—he says he can do nothing, he is absolutely helpless. On the other hand, I found him rather social and agreeable when I met him at a garden party on Saturday evening, and he was particularly conspicuous as a social human being, but so far as any useful work in the Department in which he has been employed is concerned, the ambitious programme which my friend outlined while introducing the Bill has not been given effect to. We have the Sanitary officer, but he apparently has plenty of time to attend garden parties and he has not been able to prevent 23,000 people dying in the course of two months.

Then, as regards the question of economic distress, I entirely agree with my friend the Hon'ble Babu Surendra Nath Banerji that there are two classes who have been very hard hit, but at the same time I congratulate the Finance Member of your Excellency's Government that the finances taken as a whole under the conditions of this year are remarkably good for the province. One would have thought that, regard being had to the conditions under which we are living this year, there would have been a larger dislocation of business and greater financial distress in the province, but your Excellency's Government and the Finance Member have to be

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congratulated that the dislocation in the financial affairs of the province has been very limited.

The two classes of people, viz., the landlord and raiyat, have been very hard hit. Whether rightly or wrongly, during the last ten years or so, the staple crop in the country was jute, and the raiyat, either because he is more greedy than other human beings, or just because he is as greedy, took to translation of paddy lands into jute lands; he had bumper crops which fetched very high prices from Rs. 7 to Rs. 14 and he thought that he had only to shake the jute plant, and gold would fall. He did get gold for some time and he fattened on that, but the experience of this year has taught him a lesson which I hope he will take to heart, and he would not in future be so sanguine and will keep a medium between paddy lands and jute lands. Probably there will be a contraction in the area of jute cultivation this year, but I do not at all look upon that with any degree of apprehension. On the other hand, I look at it with a certain degree of approbation and congratulation that the raiyat may be led to divert a certain portion of his jute into paddy lands."

The Hon'ble BABU SURENDRA NATH BANERJI interrupting said: "I did not express any regret at all; in fact, my sympathies are just the other way."

The Hon'ble MR. CHAKRAVARTI continuing said: "I am very glad to hear that, because in point of fact we have to sell jute for export, practically the whole of it, retaining a very small percentage for the supply of the jute mills locally. When there is distress you cannot eat jute; on the other hand, rice is certainly a commodity which will sustain human beings. I am very glad to find that I was mistaken with regard to the remarks made by the Hon'ble Mr. Banerji.

What has been the result of all this? The tenant has not been able to pay the landlord his rent, but the landlord has to pay the Government revenue and other public demands. I do not think that anybody knows the difficulty which the landlord had on the last date of payment, *i.e.*, the 29th of March this year, with regard to the payment of Government revenue and other public demands. I venture to think that almost all had the same difficulty. I do not know whether my friend the Hon'ble Raja Hrishikesh Laha has had the same experience, but I am speaking from knowledge in connection with the association to which I belong, that almost all landlords had to supplement the local collections with money drawn either from banks or from money-lenders, for the purpose of paying road cess and public works cess on the 28th of March. What the position will be in future I do not know, because there is another kist in June, and one knows from experience that, at this time of the year, there is hardly any crop on which people can make collections and the position of the landlords will be very much worse, and the position of the raiyat is likely to be very distressful at the time he approaches the early paddy crop, which he would not get before July or August next. That is one of the things which Government will have to attend to later on.

There is a remark which has been made by the Hon'ble Raja Hrishikesh Laha with which I am in complete accord, and if I may be permitted to make a suggestion, with regard to the survey and settlement operations, that, if it is possible—I do not wish in any way to interfere with the regular arrangements of the survey—to stay the hands of the Government this year, at all events till the financial prospects of the tenants and landlords are brighter. I have no doubt that Government will consider the desirability of doing so.

I now pass from the comments which have been made in connection with the amounts which have been held over simply for this reason, that, owing to the war we have to postpone everything and after the war is

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successfully over, we may quarrel as much as we like. At the end of the war we will quarrel as much as we like and nobody will ever give me the credit, nobody has ever given me the credit, that I am not a pugnacious creature. Under these circumstances when the time comes we will fight, but at the present moment let us bury the hatchet and let us think of the immediate surroundings of our life.

There is one matter and I press Your Excellency's Government regarding it. It is a small matter, only a question of Rs. 21,000 in connection with the sanctioned increase in the pay of the Munsifs. A number of speakers have alluded to this subject, and I can assure Your Excellency's Government that it is a very hard thing for the officers getting only a pay of Rs. 200—that on account of the rise in the price of commodities and various other necessaries it is very, very hard indeed for them to make both ends meet. If it be possible for Government to give effect to this measure, it would be a great benefit indeed to this deserving class.

I pass on to a remark which has been made by the Hon'ble Rai Radha Charan Pal Bahadur with regard to the employment of Mr. Swan. I have nothing but to congratulate the Government upon the employment of that officer because from the nature of things it is absolutely impossible that in a very short time you will be able either to start new industries or to revive dead ones—it is not in the nature of things that you can do so—but I have not the slightest doubt that Mr. Swan will be able to collect very useful information which will be not only of importance to Government later on, but, when published, will be of great assistance to practical industrial people, to commercial people and to the general community. As regards the question of Government subsidising or helping or patronizing private industries, it may be that my education in political economy has somewhat disqualified me to express my opinion. I have always been against the diversion of taxes raised from the general public for the purpose of devoting to, and fostering of, industries. It is possible on account of the difficulties in which we are placed that some of the industries may be fostered by Government grants. I am assured by a very high authority that an experiment was made in connection with the aluminium industry in Madras and with great success. Government started the industry, made it successful and then passed it on to a body of private individuals. In the same way it is possible that Government may be able to do something in connection with the growth of industries of this kind. With these few remarks I resume my seat."

The Hon'ble MR. HORNELL said :—

" MY LORD,

Education has, as usual, proved to be the popular item of the programme, but I doubt whether I should be popular, if at this hour of the afternoon I took up the time of the Council by saying all that I should like to say with reference to various educational problems or even all which has been suggested by the remarks which have been made at this meeting.

The great criticism which has been levelled against the efficiency of the Education Department is that we are always crying out for more money and that when we get it we cannot spend it. A dreadful picture has been drawn of the Department gazing impotently on the piles of money, which it is too feeble to spend, while all around the need is clamant. Well, I want first of all to remind our critics that the Imperial grants which have been made to us are of two kinds—capital and recurring. Last year I mentioned some of the difficulties in the way of the rapid spending of capital grants. The amounts available are not adequate to the demands. Consequently, we have had first of all to select projects ; then sites had to be selected and

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plans and estimates drawn up and approved. What a business all this is, any one who could see some of the files in my office would realise. As regards construction works, which have to be carried out through the agency of the Public Works Department, we have to remember that the Education Department is not the only Department whose demands the Public Works Department, etc., have to try to satisfy. During the last few years every Department has been putting forward large building programmes and the Public Works Department cannot, I understand, work miracles.

As regards recurring grants, when they were sanctioned first, it was not possible to spend them in full, because we had to work out schemes and get them sanctioned; but as regards these grants, there will be no difficulty in spending the money in future, for schemes have now been formulated and we can assign any anticipated savings to capital projects.

At this stage I am afraid I must go into some detail, for there has been a certain amount of misapprehension owing to the figures in the budget not having been understood.

The Hon'ble Mr. Surendra Nath Banerji referred to page 53 of the budget. Under the head "Budget estimate for 1915-16" there appears on that page a sum of Rs. 2,800 for lower primary schools for boys. Mr. Banerji said that he presumed that this amount was so small, because the main channel for the support of primary schools was the District Boards, but then he went on to refer to the figure shown on page 54 under the head "Budget estimate for 1915-16" against the side heading "Payments in support of local schools under District Boards" and asked why, when the revised estimate for 1914-15 was Rs. 10,76,000, the provision for 1915-16 should be Rs. 2,88,960 only. Mr. Banerji is right in assuming that the main channel for the support of primary schools is the District Boards, but the discrepancy between the figures of 1914-15 and 1915-16 to which he refers is due to the fact that, whereas the revised estimate for 1914-15 includes the Imperial grants, the budget provision of Rs. 2,88,960 for the year 1915-16 does not include them. If he desires to compare the figure shown under the budget estimates for 1915-16 with the corresponding figure for 1914-15, he should have compared the figure 2,88,960 with the figure 2,88,560. In other words, the position is this: The amount from provincial revenues available for primary schools during the year 1915-16 is Rs. 400 in advance of the amount available during 1914-15. All the Imperial recurring grants have been made available. Consequently, the amount available for primary schools for 1915-16 will be certainly not less, and probably a little more, than the amount available during 1914-15.

The Hon'ble Babu Surendra Nath Ray refers to savings to the extent of Rs. 99,75,000 on the expenditure side of the budget for 1914-15, of which no less than Rs. 61,70,000 are according to him due to savings on education. The Hon'ble Mr. Surendra Nath Banerji has said something to the same effect. The Hon'ble Maulvi Musharraf Hussain referred to the expenditure of the Imperial recurring grant of Rs. 25,20,000, the omission of which from the head "Revised estimate for 1914-15" led the Hon'ble gentleman to assume that no money was spent during that year under that head. I admit that the position is a little complicated. The sum of Rs. 25,20,000 to which the Hon'ble Member refers is made up of the original Imperial recurring assignment of Rs. 13,20,000 plus Rs. 12,00,000 reallotted as the unspent balance of the same recurring grant assigned for the previous year, the reallotted portion being available for expenses on capital projects only. It was of course very regrettable that more of this particular Imperial recurring grant could not be spent during the financial year 1913-14, but schemes had to be worked out and sanctioned before the grant could be utilized. As regards the provision of Rs. 25,20,000 made

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in the budget for last year, I am glad to be able to inform the Hon'ble Member that we spent out of this sum not less than Rs. 10,48,016, and a scrutiny of the figures which I shall be very happy to show to my Hon'ble friend will indicate that the chief reason why we did not succeed in spending considerably more was that the provision includes the annual grant of Rs. 5,00,000 to the Dacca University, a scheme which has not yet been found possible to inaugurate. The amount of Rs. 13,20,000 provided in the budget for the current year represents of course the recurring grant, assigned to 1915-16, the unspent balances of previous years not having been made available. I can assure the Hon'ble Member that we shall have no difficulty in spending the greater portion of this amount during the current financial year. Schemes of recurring expenditure are now in process of adoption and anticipated savings can be spent on capital projects.

Before leaving the criticisms of my Hon'ble friend the Maulvi on the financial administration of the Education Department, I must allude briefly to his statement that the Education budget for the year provides for a total expenditure of Rs. 95,67,000, with thirty lakhs of which he seems to think the Education Department can do anything they like. I wish we could. I am not quite sure how the Hon'ble Member arrived at the thirty lakhs figure. He seems to have taken the provision of Rs. 30,00,000 provided in the budget for 1914-15 as the portion made available for the year from the Imperial Capital assignment of Rs. 75,00,000 and supposes that the whole of this 30 lakhs is still available and can be spent on anything we like even though the amount has not been regranted in the current year's Education budget. I wish the Hon'ble Member's view was correct. A certain portion of last year's provision of Rs. 30,00,000 was spent and what remains is unfortunately not within the discretion of the Education Department to do what it likes with. The whole amount has been assigned to various purposes and is required for them.

It is not, I regret to say, possible to find the money for the Muhammadan Arts College from this Imperial assignment. I share the Hon'ble Member's regret at the postponement of the scheme for the Muhammadan Arts College in Calcutta, but I think that he can rest assured that so long as the present Hon'ble Member is in charge of Muhammadan education an opportunity for materialising the project will not be missed.

I turn to the Hon'ble Babu Surendra Nath Ray's criticism. In the first place, the figure of Rs. 61,17,000 which he quotes is a little misleading. The provision made for expenses on education in 1914-15 was Rs. 1,45,43,000. When the draft financial statement for that year was being prepared, it was calculated on the basis of expenditure actually incurred during the first nine months of the year that Rs. 83,73,000 would be spent. This estimate was subsequently increased by the Financial Department to Rs. 85,23,000. The Hon'ble Member has taken the difference between Rs. 1,45,43,000 and Rs. 83,73,000 as the savings. As a fact we actually spent in the course of the financial year 1914-15 a considerable portion of the amounts provided under the head "Imperial grants both recurring and non-recurring." This expenditure does not appear in the budget against the various heads of Imperial grants. The total amount spent from the Imperial grants, both recurring and non-recurring, I calculate to have been about 37 lakhs. Of this amount a sum of Rs. 20,32,000 is included in the figure shown in the revised column of the budget for 1914-15. To this sum must be added a sum of Rs. 16,64,000 which was spent during 1914-15 on educational buildings through the agency of the Public Works Department. This brings the total expenditure during 1914-15 to Rs. 1,01,87,000 and reduces the savings to Rs. 43,56,000. This last figure includes the sum of Rs. 23,00,000 provided for the Dacca University; so that the amount which we have not been able to spend out of the allotments from public revenues assigned to educational projects other

than the Dacca University scheme does not in fact amount to more than about Rs. 20,00,000 or £1,37,000. Not a very large balance to have in hand considering the vastness of our undertakings!

I should like to say here for the information especially of the Hon'ble Nawab Syed Nawab Ali Chaudhury that we are doing our best to inaugurate the Dacca University scheme. It is proving a tough job, but it is not being neglected.

Of course it is very regrettable that when our needs are so great we should not be able to spend more expeditiously the money placed at our disposal by the Imperial Government. So far as the Education Department is responsible, I accept the responsibility and deplore the delay: and this brings me to certain remarks which have been made with reference to the directing and inspecting agencies of the Education Department. One Hon'ble Member has said that there is too much inspection. Another Hon'ble Member who is more polite said that though he recognised the value and even the necessity of inspection and direction he cannot but feel that it would be better, if we had more institutions to inspect. Of course we are very badly in need of money in spite of the balances to which I have just alluded, and it is very desirable and necessary that we should not over-increase our establishment, but I venture to remind the House that officers of the inspecting agency have a great deal more to do than to inspect educational institutions and that the officers of the directing agency have unfortunately a great deal more to do than merely to pass orders on such inspection reports. The inspecting and directing officers of the Education Department carry on, with the assistance of the officers of the executive and others, the administration of education, so far as that depends on departmental agencies. The system is centralised. Whether the system can be improved or not is a matter which is entirely beyond the scope of this speech, but what I desire to impress on Hon'ble Members is, that unless we have an adequate and efficient directing and inspecting staff, the delay in maturing the schemes and getting the work carried out will be greater than ever. The officers of my Department are as hard worked as any in India. They do their best; they cannot perform impossibilities.

I gather from what is sometimes said and written on the subject of primary education that there is a feeling that we spend a great deal too much on inspectors and far too little on schools. A picture is painted of a number of well-paid and underworked inspecting officers wandering luxuriously round an inadequate number of half-starved schools. I think that if those who write and say these things would accompany some of my inspecting officers on their tours, they might perhaps be willing to revise their estimate of the general position. After all, to concentrate for a moment on primary education, what is a primary school in Bengal? It is not, I am sorry to say, usually an institution accommodated in a suitable building and staffed by effective teachers. Such an institution would at least go on without the inspecting ministrations of sub-inspectors. A primary school in Bengal is as a rule a teacher who collects a few pupils round him and every one who knows anything about it at all knows perfectly well that the progress of primary education in a district depends almost entirely on the inspecting and administrative officers of that district. If the Deputy Inspector is a keen man, if he takes the trouble to find out *pandits*, to encourage them to teach, to see that the stipends are easily made available for them and are regularly paid, then the number of children under primary instruction increases. Without such an officer it invariably goes back.

As regards primary education as a whole, I desire to say that I am profoundly dissatisfied with the present state of affairs. From what I have myself seen in the course of my visits to primary schools, and from statistics,

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I am exceedingly doubtful whether the primary school system in Bengal is performing the function that it should be performing. I am exceedingly anxious that the whole system should be overhauled, and by way of instituting an effective enquiry I have put on two of my best officers to study the conditions in certain areas. What they have been told is to survey the problem of that area and to put forward practical proposals. These proposals will probably go at a later stage before a large committee which I shall ask Government to appoint to consider the whole question.

I admit that things are not right and I appeal to the representative members of the Bengali community to help Government to put them right. No good will come of repeating criticisms which are based on falsehoods. It is always being represented that the Education Department has closed primary schools by raising the standard in a quite unreasonable way. What, it has been asked, is the use of spending money on establishing Board lower primary schools when the establishment of one such means the closing of a number of private schools? It is true that we have spent some of the Imperial money on Board primary schools. I can say from my personal observation that these schools have been a great success. They have been a great success because they have formed, as it were, permanent centres of primary instruction, of a standard of general efficiency which is comparatively speaking high. These schools are attended by a considerable number of children. The result is that the *pandits* and *maulvis* who teach in them get a reasonably adequate remuneration for their work, partly by stipends and partly by fees. Consequently, they take some pride in their work and try and do it well. What is the condition of primary education in those parts of the Presidency in which there are still practically no Board lower primary schools, for example, the Burdwan Division? There primary education is imparted by a number of *pandits* whose total receipts from all sources do not exceed on an average more than Rs. 5 or Rs. 6 a month. On such a basis how can you expect your primary instruction to be anything but uncertain and transitory? The work of such men is bound to be very largely worthless. We have not refused to grant them stipends. We quite realise that something is better than nothing, but it is beyond the power of anyone to retain the permanent services of a set of teachers who earn far less than an ordinary *cooly*.

I do not think that the Hon'ble Babu Surendra Nath Ray was fair when he said that Government was doing nothing for private secondary schools. We have two Imperial recurring grants, one of Rs. 1,50,000 and the other of Rs. 2,26,000. The whole of the grant of Rs. 1,50,000 is being spent and a good part of the grant of Rs. 2,26,000 will be spent, on giving additional grants-in-aid to secondary schools. Some schools have not received the additional grants which were available for them, because we have in every case made the payment of the additional grant conditional on the employment of a more efficient and better remunerated staff of teachers. I repeat what I said last year that these grants are merely a drop in the ocean of secondary schools in this Presidency. As long ago as 1908 it was estimated that it would cost from 15 to 16 lakhs to put secondary schools in the then province of Bengal on anything approaching a satisfactory basis. We have now less than three lakhs and a half; the number of schools has considerably increased. And yet people are surprised because every school does not get what it wants!

I now desire to say something about the Hastings House School. As was natural there has been a good deal of misunderstanding about this project. The scheme has been a great deal criticised. Most of the criticisms were based on ideas which were evolved from the consciousness of those witty persons who write in newspapers. The facts are perfectly simple and straightforward. It is years since the Government of Bengal was first asked to establish a residential school for those who desire for their sons an

education on somewhat different lines from those on which the education in the ordinary high school is conducted. Various proposals were put forward and discussed at great length. Some thought that the school should be at Ranchi, others that it should in the Himalayas. Last year two or three practical Bengali gentlemen of position came to Government and said. This discussion is all very well, but our boys are growing up. Why should not Government start a school on a temporary and provisional basis?' It seemed to me both a sensible and a reasonable proposal. So with the consent of Government I and two of these gentlemen set out one morning in a motor-car to see whether we could find suitable premises in which the school could be started. More or less by accident we passed Hastings House. One of the gentlemen said, 'It is just the place.' I agreed to approach the Government of Bengal who subsequently asked the Government of India to lend us Hastings House for the purpose of the school. The Government of India consented. The Hon'ble Mr. Faz-ul-Haq has referred to the *lakhs* of rupees which Government has poured into this venture. As a fact we have the use of Hastings House for nothing and the whole capital expenditure which has been incurred has been confined to the installation of a modern sanitary system and to the furnishing and equipment of the buildings. The scheme is admittedly a temporary and provisional one. If it succeeds, it will doubtless lead to the establishment in buildings of its own of a permanent school to which the wealthy men of Bengal will contribute liberally. In the meanwhile all that Government has undertaken to do is to finance the school on a temporary basis within the limits of a financial guarantee from certain gentlemen interested in the scheme. School fees will be charged at the rate of Rs. 100 for boarders and Rs. 25 for day scholars. The greater part of the recurring cost of the school will be covered by the fee receipts. The school is not merely intended for the wealthy. It is intended to meet the needs of those who want for their boys a training which the ordinary high school does not in their opinion provide, and who cannot obtain what they want without the co-operation and assistance of Government.

Dr. Nilratan Sarkar has mentioned sanitary education. We had a capital grant from the Government of India for this and a committee has been sitting. Their report is on its way to Government. This report deals with text-books and the question how much can be done in schools in the matter of instruction in sanitation.

It remains to say a few words about that vexed question 'the education of Moslems.' My friend the Hon'ble Mr. Haq (for he really is my friend in spite of the fearful things he says about the Education Department; he always greets me with a smile; I suppose that he is thinking of the next budget debate) has drawn a harrowing picture of a neglected community suffering in silence. However, I do not think that things are quite as bad as he makes out. He has represented himself as repeating hopelessly year after year the same list of grievances and needs. Well, I do not suppose that next year's list will be any shorter, but I hope that he will be able to introduce a little variety into it. For example, there is the question of the extension of the Baker Madrassah Hostel. The Hon'ble Mr. Fazl-ul-Haq says, 'Why Rs. 91,000 was set aside for this project years ago, the amount is still available but nothing is done.' I am glad to be able to inform him not only that the sum of Rs. 91,000 is available but that two *lakhs* of rupees are available. The fact that this assignment has been made is solely due to the personal efforts made by the Hon'ble Member in charge of Muhammadan Education. There has been delay in connexion with this scheme. As a rule no one chafes more than I do at delay. This particular delay I do not regret in the least. The original scheme has been very greatly improved and we shall now be able to take up a great deal more land and make a very much better job of it. The project has been administratively approved at an estimated cost of more than the double amount originally allotted. As I have said already, two

lakhs are immediately available. The work will be taken up as soon as possible. I am sure that when the Hon'ble Member sees the new scheme realised he will admit that in this matter we have not done so badly.

Then there is the old grievance about the hostel in College Square. I dealt with this matter in the meeting of the Council which was held at Dacca. I then said that I could not recommend that Government should start a Muhammadan College on a temporary basis and in hired premises, but that if the chief difficulty of Moslem students was a lack of hostel accommodation, I did not see why a hostel in the neighbourhood of College Square should not be started. Here, again, we have been told that nothing whatever has been done. As a fact I instructed Mr. Taylor some months ago to try and find a suitable house, and he told me this morning that he had found one. I propose with the permission of Government to take this house and I hope before the beginning of the next session this hostel will be opened.

Then we have been taken to task about the Muhammadan Arts College in Calcutta. Here, again, though a man of great humility, I am not altogether prepared to say that I have sinned, in that I have done nothing. When I looked into this matter some 18 months ago I fo nd that not only had nothing been worked out but also that a considerable number of influential persons were opposed to the scheme. I was not opposed to the scheme. So I set myself to work out a plan for carrying it into effect. The scheme has now been worked out and submitted to Government. It is an expensive one, but this unfortunately cannot be avoided. The money not being immediately available it has been found impossible to take up the whole scheme at once. The scheme involves the removal of the Anglo-Persian School from its present location in the Madrassah buildings. I need scarcely remind the Council that suitable sites for schools in the neighbourhood of Wellesley Square are not very easy to obtain. There happened to be a piece of vacant land in Wellesley Street which was obviously well suited for a new Anglo-Persian School. Having then some funds at our disposal we acquired this land and now we are blamed for not having carried out excavations on it. This, I venture to think, is a little hard. Surely it is something to have acquired the land on which to locate a new school when funds for building it are available. Personally, I should prefer a piece of land and no building to no land and no building. If we had not taken up this land we might subsequently have found ourselves in the position of having the money for carrying out the scheme, but not being able to proceed with it, simply because there was no place to which the Anglo-Persian School could be moved.

One word in conclusion with reference to that most troublesome topic—I refer to the construction of certain college hostels in Calcutta. I cannot take up the time of the Council by going into detail with reference to this scheme. Originally, my predecessor advised Government to build certain hostels for certain colleges on condition that those colleges provided the sites. The colleges were unable to find sites, and after an immense amount of delay some of the institutions concerned came forward and asked us to find the sites and build the buildings and in fact to do every thing for them.

The City College undertook to find a site and to build a hostel with the help of the Government grant. They have obtained a permanent lease of a site, but now the Government Solicitor refuses to recognise this as providing a good security for the grant. Some of the schemes are now fairly well advanced, but the money to carry them on will not be available this year. The eight lakhs Imperial capital grant to which the Hon'ble Mr. S. N. Banarji referred has to cover the whole of the capital expenditure which we incur from the Imperial grants during the current year. I understand, however, that the Government of India has granted an additional ten lakhs to the

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University of Calcutta for the purpose of hostels. The fact that these schemes have been hanging on so long is a source of perpetual annoyance to me. The Hon'ble Babu Mahendra Nath Ray expressed the hope that I would be willing to co-operate with the University in working out a satisfactory hostel scheme to Calcutta. I assure him that I shall only be too glad to do so, and I feel that, if the University and the Education Department can work together in this matter, we may in the course of the current year, effect something.

The Hon'ble the Vice-Chancellor said something about the desirability of increasing the number of M.A. and M.Sc. classes attached to Government colleges in the mufassal. A good many schemes of University Education are now on the anvil and I should have thought that this was scarcely the time for increasing the number of post-graduate classes. Some specific proposals in this connexion are now under consideration, and I hope that the discussion of these proposals will ultimately help us to contribute towards the satisfactory solution of the problem of the reorganisation of University education throughout this Presidency.

The Hon'ble NAWAB SYED SHAMS-UL-HUDA said :—

MY LORD, the Hon'ble Mr. Hornell has relieved me of the necessity of saying much under the head of Muhammadan Education. I can only assure my Hon'ble friends who have spoken on the subject that it is not for lack of any sympathy that the various schemes referred to by them have not progressed as well as they might have done. As has been pointed out by the Hon'ble Mr. Hornell, the question of the Muhammadan Arts College is one which involves large expenditure, and I cannot say that there is any hope of having that college established at vely early date, until at least our financial difficulties have disappeared. But I think there is no difference of opinion on the necessity of such an institution and I hope that when the money is forthcoming, the Muhammadans will have the satisfaction of having in Calcutta a well equipped college of their own.

As regards the Baker Hostel, the Hon'ble Mr. Hornell has explained the circumstances, and I may only add that if it were a question of Rs. 91,000 only probably there would have been no difficulty, in starting the work earlier but the estimates rose from Rs. 91,000 to Rs. 2,16,000 or something like that, and we are thankful to the Government of India that they have removed the embargo on the grants to the University Institute and the Baker Hostel.

The Hon'ble Nawab Nawab Ali Chaudhuri has made a reference to the money that was promised to the Moslem Institute. As regards that, what has happened is this : the Moslem Institute was going to be part and parcel of the scheme for the Arts College and that scheme is now postponed. This scheme had to be postponed also on that account. But we have not lost the money in this sense that a part of the money allotted to the Baker Hostel has been the amount of Rs. 45,000 that was earmarked for the Moslem Institute. I hope that when the Muhammadans have got their Arts College they will have the institute as a part of that college.

As regards the question of hostels for Muhammadan Law students, I am glad that the Hon'ble the Vice-Chancellor of the University has been able to hold out hopes of a solution, and I trust that this grievance will in course of time disappear. For the present, Mr. Hornell has informed the Council that a house has been rented for opening a hostel, and I think this will meet present difficulties.

My Hon'ble friends will also remember that when grants were made to private colleges, for instance, the City College, the Ripon College and the Scottish Churches College for hostel accommodation, it was expressly

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stipulated that a part of the hostels will be reserved for Muhammadan students.

Leaving aside the question of the accommodation for Muhammadan students, as to which the Hon'ble Mr. Hornell has said all that was necessary, I come now to the question of sanitation. A great deal of criticism has been levelled at the department under that head and a good deal has been said as regards the non-utilisation of the sanitary grant. I may say that a part of the complaint is based on a misapprehension. What happened is this : When grants made to local bodies were transferred to the head 45—Civil Works, the actuals under the head of sanitation are reduced to that extent. The amount of the decrease of the actuals due to the transfer was in 1912-13, approximately 4½ lakhs ; in 1913-14, 1 lakh ; 1914-15, 3½ lakhs non-recurring and 1 lakh recurring ; in 1913-14 also an amount of 5½ lakhs was distributed among local bodies from the Civil Works budget. It cannot therefore be said that Government have not been fully helping local bodies. I confess we might have done a good deal more, but as a rule when making grants out of sanitation funds, we insist on local bodies bearing a portion of the cost. Previously the practice was to ask local bodies to contribute two-thirds —Government contributing the remaining one-third. We have found from experience that local bodies are not able always to find the two-thirds, and in many instances recently we have raised the proportion from one-third to half, and even in some cases to more. But we have not and I am afraid we cannot—make contributions to local bodies who are not able to contribute a part of the cost. In some cases it has so happened that the finances of local bodies have not been found sufficient to enable them to maintain the waterworks. It has not therefore been for want of funds in recent years, but rather for want of matured schemes and Financial difficulties of local bodies that money has been left unutilised under the head of sanitation.

The Hon'ble Nawab Ali Chaudhuri has referred to the fact that local bodies such as district boards and others insist on the people finding one-third for the excavation of tanks and other purposes before any contribution is made. There is some little misapprehension on that point which I desire to explain. When Government promised to give aid to local bodies to enable them to improve water-supply in rural areas, they insisted on a certain proportion being borne by the people themselves, but now that the whole of the Public Works Cess has been transferred to local bodies there are no hard-and-fast rules existing ; as a matter of fact, even when Government contributed, there was no hard-and-fast rule, although it was generally understood that the contribution of one-third was asked for from local bodies. Now District Boards are perfectly free to spend anything they can afford towards the improvement of water-supply in rural areas, and if they fail to do so it is not the fault of Government. As a matter of fact, District Boards have large surpluses and attention has been drawn in our recent resolution to this fact, and I hope local bodies will now take care to spend larger sums for the improvement of sanitation in the country.

A great deal of criticism has been levelled at the malaria committee Members of this Council who probably do not know much about this committee will be surprised to hear that its greatest critic in this Council is a member of that committee—I refer to my Hon'ble friend Dr. Nilratan Sarkar. The malaria committee is an advisory board, and I do not think my Hon'ble friend can complain that Government have not shown sufficient consideration or respect to any recommendations made by that committee. It has been said by several Hon'ble members that it was very wrong of Government to have refunded the fifty thousand rupees which the Government of India gave in order to carry out experiments in jungle cutting. My Hon'ble friend Dr. Sarkar is himself an expert and we are all at the mercy

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of experts. The malaria committee advised us that they could not usefully spend the money, and we had to accept that advice. But if that advice was wrong Dr. Sarkar could have influenced his colleagues to give us the right advice upon which to act.

As regards the Sanitary Board, suggestions have been made for its improvement. It has been suggested that the number of non-official representatives on the Board should be increased, that its functions should be enlarged, and that its deliberations should be made public. As regards these suggestions it is enough to say that the Sanitary Board was only recently reconstituted, and that we have not seen enough of its work to justify us to make a change, but the suggestions made by my Hon'ble friend, Mr. Surendra Nath Banerjee, as regards making its deliberations public, will receive consideration. I may point out that the Sanitary Board is an Advisory Board and nothing turns upon what it says, until Government has accepted its advice. Incidentally the Hon'ble Mr. Banarji referred to the scheme for water-supply, of Riparian municipalities, near Calcutta and he said that the municipalities concerned know nothing of what is going on I may assure my Hon'ble friend that nothing will be done without consulting the municipalities which are concerned in the scheme.

Fault has been found with Government for not doing all that could be done, in order to eradicate malaria from the country. My friend the Hon'ble Dr. Nilratan Sarkar has given us certain instances of Government efforts, and suggested that this was all that the Government had done. I do not think it is quite correct. It is not correct that we have been satisfied with merely supplying quinine to municipalities, but the whole of our sanitary grant for the improvement of water-supply and drainage is intended to improve the sanitation of the country, and they ought all to be considered as anti-malarial measures of great importance. So far as the supply of quinine goes, not only do Government sell quinine at cheap rates, but whenever a municipality has been unable to supply sufficient quinine to hospitals, and have applied to Government for help, we have seldom refused such help. In every case where we have found municipalities are not in a position to pay, we have helped them. I think the Government have done a great deal more than my Hon'ble friends are prepared to give us credit for.

The Hon'ble Mr. Banarji complained that the ferry fund has been diverted from its legitimate purpose. This is a misapprehension. The ferry fund was always considered as a provincial asset, and as a matter of fact, about 20 years ago. the Government of India said of this fund as follows : 'The ferry receipts in Bengal have up to the present time gone into the common account of the province ; they are part of the general revenue assigned to the province by the Government of India in the provincial contract, and there is not the slightest reason for regarding them in any way especially claimable by the District Boards from the Provincial Government'. So that even if Government took every pice of the ferry receipts, it could not be said that the funds had been diverted from their proper use, but, as a matter of fact, a certain portion of the receipts from some ferries, though not all, have been made over to the district boards as part of the compensation given for the expenditure on education and medical.

The Hon'ble Nawab Bahadur of Murshidabad expressed a hope in his speech that the money which has been withdrawn from the sanitary grant should not lapse. He suggested that the unexpended balance of the Imperial grant, reserved or restricted this year, should be held to the credit of this Government to be drawn upon whenever a favourable atmosphere was re-established. My Hon'ble friend will be glad to know that the unexpended balances of the Imperial grant will not lapse, they are only suspended, and will be available for their general purposes, as soon

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as the return to normal conditions allow us to draw again upon our provincial balances.

The Hon'ble Mr. Ariff has referred to the municipal elections, and to the fact that very few Muhammadans have been returned from Calcutta—as a matter of fact no one was returned at the last election. This is a question which is not new. It has been carefully considered in connection with the amendment of the Calcutta Municipal Act and all public bodies, including the municipalities, have been allowed an opportunity of giving an opinion on that subject. I hope that a solution of it will be found when we introduce our new Municipal Bill. I do not think there is anything else to which I need refer this afternoon."

The Hon'ble MR. LYON said :—

"MY LORD,

I will only detain the Council for a very few minutes with some remarks regarding hostels for colleges in Calcutta. It is a subject in which, in spite of the accusations to the contrary which have been levelled against us, we take a very practical and real interest. I desire to give some figures to show how extremely difficult it has been to come to a final decision with regard to certain particular hostels. When the committee, to which the Hon'ble Dr. Sarbadhikari referred, sat some 4 or 5 years ago, to decide the question of the expenditure of the grant of 5 lakhs for hostels, a certain portion of that grant was allotted, and was spent almost at once. The sum of Rs. 2,86,000 was, however, reserved for the hostels attached to the Ripon College, the Bangabasi College and the Metropolitan Institution, and this sum was divided into Rs. 90,000 allotted for sites, and the rest for buildings. When the acquisition of land was carried out, the sum of Rs. 90,000 rose to Rs. 1,74,000, and this increase, with the estimates which were made for the buildings, raised the total from Rs. 2,86,000 to Rs. 4,21,000. We realised the desirability of building these hostels and made arrangements to provide Rs. 4,21,000. When the matter was, however, gone into still further, the estimate of Rs. 4,21,000 rose to very nearly 6 lakhs. We cannot secure funds for this expenditure immediately, but as soon as we can draw upon our balances we hope to provide this sum of 6 lakhs and we shall then be able to provide this hostel accommodation. In the meantime, we may make a beginning with some of these buildings.

The City College scheme, in the same way, is one for which we are prepared to provide 1½ lakhs as subsidy. But there has been endless trouble between the City College authorities and the owners of the site which they wish to occupy, and it was only during the latter half of March that we were presented with a scheme, which had been prepared with great difficulty, and on the basis of which we were asked to pay out the 1½ lakhs. An examination of that scheme, however, showed that it rested on an unsound financial basis and that the lease which had been entered into was not one of which the Government Solicitor could approve. It was therefore impossible to advance the grant immediately on the basis of that lease. This, however, is a matter of time. The money is there and it will ultimately be handed over. On the general question I may inform the Council that, out of the total sum of 16 lakhs for hostels, we have actually spent 7 lakhs already, and for the rest we have full and complete schemes.

Lastly, as regards the Muhammadan hostel, we hope to erect one in the neighbourhood of College Square. In common with the Muhammadan members of this Council, I listened with the greatest interest and appreciation to the endorsement of their claim made by the Hon'ble Dr. Sarbadhikari, Vice-Chancellor of the University. We feel quite confident that that

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sympathy will be translated into action when the Hon'ble Member, as Vice-Chancellor, comes to deal with the 10 lakhs recently made over to the University for hostels.

The Hon'ble RAI PRIYA NATH MUKHERJI BAHADUR said :—

"MY LORD,

I have only to answer two points in the speech of the Hon'ble Maulvi Musharraf Husain as regards the Registration Department.

The first point referred to is the revision of pay of the ministerial establishment in the registration offices. No one regrets the delay more than I do, and ever since I took charge of the department, I have been steadily endeavouring to bring about this much-needed improvement in the pay and prospects of the clerks and muharrirs of the Registration Department, who are paid miserable salaries. Their lot is indeed hard, and needs amelioration, specially as all the other branches in the district offices have been reorganized on the recommendation of the Salaries Reconstitution Committee in East and West Bengal. Last year we sent up a scheme costing Rs. 45,610 to the Government of India for the reorganization of the headquarters office establishment, but they deferred passing orders on it until they received our proposals also for the revision of the mufassal establishments and they also asked us to consider the principles of the Bihar and Orissa scheme, which they had just sanctioned. We have since prepared a complete scheme of reorganization for headquarters and mufassal establishments combined which has been fully examined by the Financial Department of this Government and will soon be submitted to the Government of India for approval. The cost would be Rs. 1,38,670 per annum. As Hon'ble Members are aware, almost every scheme involving recurring expenditure has had to be kept back owing to the present conditions. But we shall have the scheme approved by the Government of India and ready for introduction as soon as normal conditions return. But for the war I am sure that some money would have been found for introducing at least a portion of the revision this year.

As regards the second point, viz., pensions to Sub-Registrars who were paid by commission before the service was reorganized and they were brought on the pensionable establishment, I beg to refer the Hon'ble Member to the observations of the Hon'ble Nawab Syed Shams-ul-Huda made in this Council last year. The matter is still before the Royal Commission on Public Services in India, whose pronouncement on the question has not yet been made, but one of the conditions under which the service was reorganized on a pensionable basis was that Sub-Registrars who chose to come under the new scheme would not have their services under the commission system count towards pension. If they objected and their age was above 45, they had the option of remaining on the commission system. The Secretary of State sanctioned the scheme on these terms and although there is no doubt that some hardship is inflicted, we try to mitigate it as far as possible by granting them extensions, so as to enable them to complete the term for minimum pension. As regards Sub-Registrars still working on the commission system, who are not entitled to pension on retirement, they are allowed to work up to the age of 60 and even longer if they remain efficient. In some cases they have been allowed to work up to 65 years of age."

The Hon'ble MR. CUMMING said :—

"MY LORD,

I desire to make a few remarks on the subjects which appertain to the Jails and Judicial Departments ; for I think in regard to these subjects there must be some misapprehension.

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Under the head of Jails, the Hon'ble Maulvi Musharraf Husain is concerned because in his belief the amount which has been put aside for the dietary of prisoners has been reduced ; and he says, and I think very properly, that this is not a matter in which Government should economise. In fact, however, there has been no economy in the rates of the dietary of prisoners, because there is no officer in the service of Government who is more humane and more considerate to those under his care than the distinguished and senior officer of the Indian Medical Service who is in charge of that Department. What has happened is solely due to the number of prisoners who come under his charge and the price of the commodities. During the last three years, partly on account of the rise in prices and partly on account of the variation in the number of prisoners, the total sum allotted to this head has varied from under 4 lakhs in 1911-12 to nearly 7 lakhs in 1913-14. The amount which is allotted for the current year is 6¼ lakhs against 5 lakhs allotted last year. I can therefore assure the Hon'ble Member that he need have no apprehension on this score.

Under the same head of Jails, the Hon'ble Babu Upendra Lal Ray had remarked that he would like to see separate cooking arrangements for Hindus and for others. I would refer the Hon'ble Member to the reply given in this Council on the 14th December 1914, when it was said that Government recognised the desirability of having separate arrrangements in jails and that provision would be made when kitchens were reconstructed. I need only say that this policy is being followed.

One other remark under this head of Jails, and that is with reference to what Mr. Ariff said, that there should be some expenditure of Government funds on prisoners who are released from jail. I desire to point out that in the West this is a duty which has almost universally been assigned to private philanthropy. There is already an institution on a small scale in Calcutta which was inaugurated through the exertions and humanity of a High Court Judge ; and another Hon'ble Judge is now in charge of it. It is as yet on a very small scale ; but Government have confidence in it and have afforded to it no small measure of assistance in the purchase of land.

I now turn to the department called the Judicial Department ; and under this head I desire to answer the criticism that has been made by no fewer than five Hon'ble Members of this Council regarding the grading of Munsifs. They all urge that it is very hard lines that last year a sum of Rs. 21,000 was put in the budget which has now been excluded, and that their hopes that the Rs. 200 grade would be abolished have been dashed to the ground. It is true that this subject has been before Government during the last four years ; it is also true that this Government have made certain recommendations on the subject to the Public Services Commission ; and it is also true that Government through the mouth of Sir William Duke said last year that he fully sympathised with the proposed change, and that effect would be given to it. But it has fallen to my lot to inform Hon'ble Members of this Council that Government must at present await the final proposals of the Public Services Commission. That is also the view of the Province to which we were so lately attached, namely, the Province of Bihar and Orissa. There appears to be some misunderstanding as regards the expenditure required ; it is alleged that the amount is so small that Government should not grudge to pay it. The answer to that is this, that the matter will not be settled simply by excising one grade from the cadre. Two grades will have to be amalgamated, the 4th and 5th. It is considered that if this change is contemplated, there must be a reorganisation of all the grades ; and this will cost not Rs. 21,000 but more than three quarters of a lakh. I would ask therefore the members of the service, for whom I have the greatest sympathy, and who are rather jealous of what they think is the good fortune of the executive service, to wait a little longer and to remember that even now the average pay of a member of

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the judicial service is Rs. 378 and the average pay of a provincial executive officer is Rs. 376 ; so that even under the present circumstances they have the advantage. They also have the advantage that a new Rs. 500 grade has been constituted throughout the whole of Bengal.

This now leads me to say something in reply to the criticism which was made under the last head. The question is—Why has Government given allowance to the Police and Civil Services? The facts are quite different from what has been supposed. It is alleged that all the members of the Indian Civil Services have received extra allowances ; this is far from being the case. A time-scale has been fixed by the Secretary of State for officers between three years' and twenty-one years' service. There are however only 21 officers who have derived any benefit out of a cadre of 183 officers. It has affected only officers of between two and eleven years' service and only for limited periods. In the case of the Police Service no member so far has been able to benefit from the time-scale approved for that service by the Secretary of State."

The Hon'ble MR. BEATSON BELL said :—

"MY LORD,

I think the House will be glad to see me rising, as this means the end of our long debate on this Budget. I desire to make my remarks as brief as possible. In the first place, as regards general questions, I notice that many members still gaze with hungry eyes upon the unspent balances of non-recurring Imperial grants, and some of them ask that if we cannot spend them at least they should remain at our disposal. The fact is that these balances cannot at present be touched by us. They form a part of the general reserve fund of the Government of India, and at present we can touch them no more than we can at present touch the reserve funds of Kaiser Wilhelm, however much we may hope to do so in future ! All we can do now is to hope that when brighter times come, these sums will again be placed at our disposal. As regards another general question, several gentlemen have asked that the Departmental Budgets should be printed and circulated along with the Provincial Budget. I am not sure those who make this request have seen the Departmental Budgets and realise their enormous bulk. It would hardly be worth the trouble to print all these papers and circulate them to members. Moreover, the Hon'ble Mr. Stephenson and the heads of departments are always glad to provide Hon'ble Members at any time of the year with any details they require as regards the departmental Budgets. Besides, there is the practical difficulty that, until the Provincial Budget is passed, the Departmental Budgets are not finally passed and so all we could circulate to Hon'ble gentlemen while the Budget discussion is going on would be a set of level estimates. In the circumstances, the present system seems to be the most convenient.

Then I turn to the different departments which are under my charge. These departments are many, viz., Land Revenue, Public Works, Medical, Excise, Emigration and Commerce. The criticisms which have been made upon these departments are numerous. I hope therefore Hon'ble Members will pardon me if I do not deal in detail with every one of these numerous criticisms. I can only say that we have noted the criticisms with care, and when better times come we shall see what we can do to meet the wishes of the Hon'ble Members. I will therefore confine myself to the most important points which have been brought forward in the discussions on the Budget.

As regards Land Revenue, the first criticism is made by the Hon'ble the Nawab Bahadur of Murshidabad. He points out that there has been a drop of 11 lakhs of rupees in the income of last year compared with what we had expected. I gather that he has drawn our attention to this drop of 11 lakhs in a spirit of mild criticism, but as far as I can see the

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11 lakhs to which he refers are 4½ lakhs which are due to the leniency of Government in collecting the dues from raiyats in khas mahals and 6½ lakhs which are due to similar leniency on the part of Government in collecting from landlords and tenants the costs for surveys and settlements. I hardly expected that we should be criticised for this leniency. In fact, while the Hon'ble Nawab Bahadur has criticised us for not collecting these 6½ lakhs other Hon'ble gentlemen have earnestly asked us to postpone the survey and settlement operations and to refrain in a very great measure from collecting the charges which are still outstanding. At first sight this is a very reasonable proposal, but I am sure if Hon'ble gentlemen had as much practical experience of survey and settlement work as the Hon'ble Mr. Lyon, the Hon'ble Mr. Kerr and myself they would realise that to stop a survey and settlement which is in actual progress is almost always a great mistake. It has been tried on more than one occasion and it has turned out to be a very bad move. In the first place, it is an extremely hard thing that we should suddenly dismiss a large body of hard-working and low-paid officials. The settlement staff is not numbered in units of tens or hundreds, it is numbered in thousands—thousands of low-paid amins and clerks. These deserving men pick up a precarious livelihood in every settlement, and I am sure Government should think twice or three times before it turned them out without a penny until the end of the war. Not only so, but if we turned out these men we would be turning out a highly-trained staff which would be extremely difficult to collect again. Any business employer knows that when he has spent years in training and collecting a special staff it is the very worst economy to let the staff go and try years afterwards to collect them. Even if we took this course and dismissed several thousand men, it would be impossible to dismiss every one. It would be absolutely necessary to retain a nucleus in the dictrict and the expense would thereby mount up. The house-rent that we pay would also have to go on. The steamers would have to be retained and paid for. The tents would have to be stored and they would certainly rot and deteriorate. In short, when we stop a settlement and try to pick up the threads in a later year we invariably find that the ultimate cost of that settlement is very much greater than if we had not stopped, and that when we come to collect the cost from the landlords and tenants we have to collect a very much larger sum than would otherwise be the case. Not only so, but the results are very much worse. When an operation is suspended the draft record becomes stale. You may suspend an operation for a year or two years, but you cannot stop people being born and people dying ; you cannot stop transfers and you cannot stop alluvion and diluvion. A very large percentage of the entries become incorrect and we have to struggle against time to bring them up to date and to rectify all the errors that have crept in. Try as we like, the ultimate record is sure to contain errors. Perhaps worst of all we stir up disputes and leave them undecided for several years with the result that riots and bloodshed occur. From bitter experience we have found out that it is bad policy, it is not real kindness to the landlords and it is not real kindness to the tenants to stop a settlement which has once begun.

Then Hon'ble Members may say, if you cannot stop the work, at least you can stop collecting the cost. I do not know if the House generally realise what a small sum it is that we collect from the raiyats. I cannot at this moment quote the figures for every district, but I can give you the figures for the district of Bakarganj where I was Settlement Officer. In that district the charge made against the raiyats was only one anna on the rupee on their rent. A raiyat, whose rent was Rs. 5, paid 5 annas and a raiyat, whose rent was Rs. 10, paid 10 annas, and so on. I am afraid that many zamindars realise larger sums every year in the shape of abwabs or takavi. We have never had any settlement in any part of Bengal and Bihar in which the raiyats have not simply tumbled over one another to pay their

settlement dues. Something between 95 and 99 per cent. has always been paid on the first opportunity without the slightest compulsion; and no wonder; for the raiyats, when they pay these few annas, get what is to them a regular charter of their rights. They get a clear statement of every field in their holding, a clear statement of their status and legal rights, and a clear statement of the rent which can be demanded and which cannot be enhanced save by the process of the Tenancy Act. Finally, each raiyat gets, without additional charge, a good printed map showing every field in the village The Settlement Officer of Mymensingh, who is now collecting his dues from the raiyats, writes and assures me that he has not had to issue a single certificate and yet the raiyats almost to a man have come forward and put down their few annas in order to get these papers which they value so much.

Turning from the raiyats to the zamindars, it is perhaps in these days a little harder for them to pay the entire demand at once. We recognize this and we have issued instructions to the settlement officers that they are to treat their landlords with the greatest possible consideration. Whenever they find that a landlord is unable to pay in a lump sum he is to get a "kistibundi" in such terms as are reasonable, and we have asked that certificates and coercive processes should be used in a most sparing manner. I am sure the Hon'ble Members will see that we have taken all steps that are reasonably necessary. As I have said before, it is extremely difficult to stop a settlement once it has begun, but it is not so difficult to stop it when only the traverse survey has been done and the cadastral survey and draft record-writing have still to be undertaken. We have therefore given instructions that the settlement operations in the district of Bankura shall be kept in abeyance for a year; but in other districts after most careful consideration we have come to the conclusion that it is much better for all concerned that the operations should proceed and we have full confidence that the kindly feelings with which every Settlement Officer is inspired will ensure that no hardship results either to the landlords or to the tenants.

Turning to agriculture, the Hon'ble Chaudhuri Muhammad Ismail Khan has drawn attention to the value of demonstrations of agricultural improvements. We are fully alive to the value of such demonstrations and we are now engaged in increasing the staff of demonstrations. The Hon'ble Member would like to see more demonstrations in the *khas mahals* of Bakarganj, and I think he may rest assured that I for one am not likely to overlook the claims of that district. As regards fisheries to which another Member has referred, I would recommend him to read Mr. Southwell's very valuable Bulletin (Bulletin No. 5) in which the whole history of our fishery operations is given in detail. Then I was asked by the Hon'ble Rai Radha Charan Pal Bahadur what is the sum of Rs. 50,000 which was been put down for gratuitous relief. An exactly similar sum was put down in the year which has just closed. We thought it was wise to make that provision in view of the distress which might still be prevalent in the Burdwan Division. I am glad to say that we had only to spend Rs. 2,000 of that amount. But, although last year we spent only Rs. 2,000, we considered it wise in the present year to repeat the full allotment of Rs. 50,000. We do not know when or where it will be required. We trust it will not be required at all, but all will agree that it is a prudent and considerate provision.

Turning to Public Works, the Hon'ble Rai Radha Charan Pal Bahadur has asked for some particulars about the Grand Trunk Road. The road, he will remember, is partly under Government and partly under local bodies. We admit that this is not altogether a satisfactory arrangement and we have been considering whether the whole length of the road from the capital until it leaves this Province could not be brought under one management. In the meantime, for the stretches which are under Government management I can tell the Hon'ble Member that Rs. 1,33,000 have been set down for repairs and

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Rs. 15,000 for improving and widening the road at one place. While I am on the subject of roads in that neighbourhood I may allude to what the same Hon'ble gentleman said about the Howrah-Amta Road. That road is under the District Board, and any representation about that road should be made to that local body.

The Hon'ble Maulvi Musharraf Husain and the Hon'ble Mr. Chaplin have referred to the Dooars roads. We are going on with our programme for the improvement of roads in that district and have allotted four and-a-half lakhs for the coming year. As the Hon'ble Maulvi Sahib has pointed out there are two systems, the Eastern system and the Western system, and he is very anxious that we should connect the two. Sooner or later we must connect them. In the first instance, however, we will confine our attention to improving the two systems, and when they are in a proper state of efficiency we will consider what is the best way to connect them.

Turning to other branches of the Public Works Department several gentlemen have alluded to the measures which we are taking to obviate a recurrence of the Burdwan floods and mention has been made of the admirable report of Mr. Addams-Williams. It is the intention of Government to carry out as far as possible the recommendations in that report. In the present year we have allotted a small sum of Rs. 35,000 which will be spent for survey, etc., in connection with these projects. I assure the House that we are not likely to forget the Burdwan floods and that we shall do all in our power to prevent their recurrence.

Turning to the question of the Chittagong Port, the Hon'ble Mr. Bayley has asked us to make a pronouncement of our policy. I am afraid I can make no pronouncement beyond referring him to the resolution which was moved by the Hon'ble Babu Upendra Lal Ray and accepted by Government at the meeting of the Council at Dacca last autumn. We accepted that resolution then and we still accept it. As regards the finance of the Port, I find that during the last two years Government have given 26 lakhs to this port in addition to a recurring grant of one and a half lakhs which runs for five years and is borne half by the Imperial Government and half by the Provincial. These sums that we have made over to the Port Commissioners of Chittagong have not, we find, been entirely spent. In fact, the other day when they came up and asked us either to give them or lend them Rs. 75,000 in order to buy a dredger we looked into the state of their finances and found that they had been banking some of the money which we had given them. At that time they had a comfortable banking balance of two lakhs of rupees. In the circumstances we were hardly inclined to give them another Rs. 75,000 either as a loan or as a gift and we suggested that the Port Commissioners should use part of the sum which they had banked to buy this dredger. I do not think the House will say that this was an unreasonable thing on the part of Government. The Hon'ble Mr. Bayley has put in a modest request for 72 lakhs of rupees. Well, I can only say that it is a difficult thing to take the "creeks from a Highlander" and it is an equally difficult thing to take 72 lakhs of rupees either from this Government or from the Government of India within the measurable future. But although we cannot give any promise for such a large sum this Government always have had and always will continue to have a very kindly eye on the port of Chittagong. I must apologise to the Hon'ble Mr. Bayley and to his colleagues for having repeatedly promised to go down to Chittagong and examine these questions on the spot, and having repeatedly found at the last moment that I could not do so, but I am really going down in the last week of this month. The Hon'ble Mr. Cowley will accompany me and we shall examine every question in connection with the port of Chittagong and see what we can possibly do to improve the circumstances of the port.

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Turning to the medical budget, the Hon'ble the Nawab from Comilla has drawn the attention of Government to the needs of mufassal hospitals. I would be the last person to neglect the mufassal at the expense of other places, but at the same time it must be recognised that the duty of providing hospital accommodation in the *mufassul* rests primarily not with Government but with the local bodies. I find it is estimated the District Boards and municipalities will allot in the coming year Rs. 8,80,000 towards the upkeep of hospitals and dispensaries. Government look to them to do the major part of this work but at the same time I find that Government themselves propose to spend on *mufassal* hospitals and medical attendance in the mufassal no less a sum than Rs. 6,29,000. Considering that we have laid down that this is primarily not our business but the business of the local bodies, we are not doing badly when we are giving six lakhs odd in addition to the eight lakhs odd offered by the local bodies.

Turning to the question of Belgachia Medical College, to which several Hon'ble gentlemen have referred, the Secretary of State has sanctioned an initial grant of 5 lakhs and half a lakh recurring for the improvement of this college, but it must be remembered that this was not an unconditional grant. The Secretary of State has sanctioned it on the distinct understanding that the college authorities will provide 2½ lakhs as initial expenditure, also that the municipalities will provide Rs. 30,000 and the University Rs.10,000 as recurring expenditure. I sincerely trust that the college authorities, the University and the municipalities will be able to provide their share because it would be a thousand pities if the generous grant that the Secretary of State has sanctioned were allowed to lapse.

Turning to the question of excise, it is refreshing to hear the two sides of the question put before us, the whole-hearted temperance advocacy of the Vice-Chancellor and the brave defence of the consumers of intoxicants by the Hon'ble Raja Hrishikesh Laha. Government as usual are trying to steer a middle course between the Scylla of the Vice-Chancellor and the Charybdis of the Raja. We want to see the minimum of the drinking and the maximum of revenue, and we steadily pursue that policy.

On behalf of the Government, I tender our thanks to the Advisory Boards in the mufassal and the Licensing Board of Calcutta. This is a subject to which several gentlemen have alluded. The Advisory Boards, as the House is aware, have no statutory functions ; they confine themselves to helping the local officers. These committees exist, I am glad to say, in every municipality and in every area which has a local board throughout the province, and they are doing excellent work. In Calcutta, the Licensing Board has very large statutory functions in deciding where there should be excise shops and where there should be none. Hon'ble gentlemen would perhaps like us to have boards with statutory functions throughout the province ; possibly we may have this in time, possibly we may not. I think it will be wise to confine ourselves in the first instance to the experiment of Calcutta. After all, it is not a small experiment. One-third of the whole excise revenue of the province comes from Calcutta. Therefore, in an area which is responsible for one-third of our excise revenue we have set up an independent Licensing Board with very large statutory powers. This is an experiment which, I am sure, the House will watch with the greatest interest and until we see what happens in Calcutta it would be unwise to rush in and institute similar boards in the mufassal.

Turning to the question of emigration, the Hon'ble Mr. Chaplin has alluded to the question of coolies in the district of Darjeeling. He said that during the Abor Expedition considerable numbers of transport coolies were, he believed, taken from the tea-gardens and he has also voiced other grievances which the tea-planters feel with regard to the recruitment of coolies. These coolies were recruited not for this Government, but for the Assam Government. They were recruited, in the first instance, for a military expedition and

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afterwards they were recruited in connection with political raids on the frontier. I think there has been some misapprehension regarding this. It has been alleged that these coolies who were recruited in the hill have suffered in health by being sent to work in the plains. This is very far from being the fact. A gallant officer who is now fighting in Flanders at the head of Indian troops informed me that he himself worked with these coolies at a height of 10,000 feet in the Mishmi Hills in the year after the above expedition. For such work none but hill men could be employed, and the coolies recruited in Darjeeling did, as might be expected, admirable work for the State. Then, as regards Mr. Chaplin's allegation that coolies were taken from tea-gardens, I find that he is again under a misapprehension. The Tea Association has specifically disclaimed this allegation. It has confined itself to saying that coolies were taken in large numbers from the bazars and bustees and that to fill the vacancies so caused coolies are attracted away from the tea-gardens. That is quite a different matter. We, like anybody else, can go to the bazar and see what labour we can get from it, but we do not go round and snatch coolies from the gardens of planters. That is a thing which we have never done and which we never shall countenance. In order that the House may understand the real issue between the Government and the tea planters of Darjeeling, it will be convenient if I read what we wrote a few months ago to the Tea Association on this subject :—

> "Your letter under reply raises two questions: firstly, the recruitment for Government purposes in the Darjeeling district, and, secondly, the abolition of the thana parade of military recruits at Darjeeling. The first question has been discussed on many occasions, and it is unnecessary to examine it at length in the present letter. But I am to point out that the coolies recruited by Government have been recruited for semi-military purposes and for employment mainly in hilly districts, and that the facts and figures on which your Association base the assertion that these coolies have been employed to the detriment of their health have not been furnished to Government. The attitude consistently adopted by Government in this matter is that it is impossible to admit the claim of the tea planters in Darjeeling to a monopoly of Gurkha labour. Owing to their proximity to Nepal they are already favourably situated with regard to this labour, and there is no desire to deprive them of this advantage. But it is impossible for Government to limit the field for the employment of Gurkha labour, and the tea industry in Darjeeling must compete for this labour in the local market, the labour being allowed to seek the employment which it considers to be most to its advantage. At the same time, His Excellency in Council is prepared to direct the local authorities that, while giving reasonable facilities to recruiting parties for Government purposes from other Provinces, they shall do nothing to dissuade any man from entering the labour force of a tea garden, if the man himself desires to enter it.
>
> "As regards the thana parades, it was represented to this Government that the orders requiring that every recruit should be paraded for two Saturdays at the thana were very inconvenient to the military authorities and led, in some cases, to recruits being detained for an undesirably long time through missing one detachment and having to wait for the next. It was further reported that during the last ten years there had been no instance of recruits being claimed at the thana parade. It is still open to managers to claim recruits from the depôt, but the recruits concerned belong to the fighting castes, and as it is the accepted policy of Government to discourage in every way the recruitment of Gurkhas of the fighting castes for civil employment, the danger of the military recruitment interfering with the labour on the gardens will in the future cease to exist; and the opportunities given of claiming at the depôt any Gurkhas who were employed in the garden before the issue of the orders against the recruitment of military castes would seem to be a sufficient safeguard for present requirements."

That is a plain statement of the case, and I think the Council will agree that the attitude of the Government has been reasonable and fair throughout.

I would only mention one other subject, and it is a very entrancing subject, which has been alluded to by many Hon'ble Members. I refer to the industrial expansion of the Province. In this matter, the Local Government

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are, as you understand, at some disadvantange. We are not like a ministry in the British Parliament who are more or less homogeneous in their economic views. The members of a Local Government, on the other hand, are brought together in a more or less fortuitous manner and I think it is probable that our personal opinions of the Members, Secretaries and Heads of Departments represent every shade of economic thought—from the stern rectitude of John Stuart Mill on the one hand to the whole-hearted heresy of Joseph Chamberlain on the other. When therefore we are asked to make a collective pronouncement on an economic problem we are placed in some difficulty. We feel very much like the cow-boy who purchased a printed prayer and framed it and pointed to it every night saying 'them's my sentiments.' So it is with a Local Government. We can only take the dispatches of the Secretary of State and the speeches of the Member-in-Charge of Commerce and Industry, and point to them saying 'them's my sentiments.' But within the limits laid down for us we are willing and anxious to do whatever is humanly possible for the industrial development of this province and as a beginning we are asking the Government of India to obtain for us an expert Director of Industries, and the larger the powers that are given to our Director of Industries the better pleased the Local Government will be. With these few words, I close my observations and thank once more the Hon'ble Members for the kindly and considerate way they have received the Budget of 1915-16".

ADJOURNMENT.

The Council was adjourned to the next day, Wednesday, the 7th April, 1915.

A. W. WATSON,
Secy. to the Govt. of Bengal and Secy. to the Bengal Legislative Council

CALCUTTA;
The 27th April, 1915.

The Calcutta Gazette

WEDNESDAY, MAY 5, 1915.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Indian Councils Acts, 1861, 1892, and 1909, and the Government of India Act, 1912.

THE Council met in the Council Chamber in Government House on Wednesday, the 7th April, 1915, at 11 A.M.

Present:

His Excellency the Right Hon'ble THOMAS DAVID, BARON CARMICHAEL OF SKIRLING, G.C.I.E., K.C.M.G., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble MR. P. C. LYON, C.S.I., *Vice-President.*

The Hon'ble NAWAB SYED SHAMS-UL-HUDA.

The Hon'ble MR. N. D. BEATSON BELL, C.I.E.

The Hon'ble COL. W. R. EDWARDS, C.B., C.M.G.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. J. G. CUMMING, C.I.E.

The Hon'ble MR. J. H. KERR, C.I.E.

The Hon'ble MR. H L. STEPHENSON, C.I.E.

The Hon'ble MR. H. F. SAMMAN.

The Hon'ble MR. H. H. GREEN.

The Hon'ble MR. W. W. HORNELL.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. H. J. HILARY.

The Hon'ble DR. NILRATAN SIRCAR.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. BYOMKES CHAKRAVARTI.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble RAJA SHOSHI KANTA ACHARYYA CHAUDHURI BAHADUR.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAJA DINENDRA NARAYAN RAY.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. E. H. BRAY.

The Hon'ble MR. F. H. STEWART, C.I.E.

The Hon'ble MR. W. T. GRICE.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble MR. A. W. C. CHAPLIN.

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF.

The Hon'ble MAULVI MUSHARRAF HUSAIN.

The Hon'ble MAULVI A. K. FAZ-UL-HUQ.

The Hon'ble NAWAB SAIYID HOSSAM HAIDER CHAUDHURI, KHAN BAHADUR.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

The Hon'ble NAWAB SAIYID NAWAB ALI CHAUDHURI, KHAN BAHADUR.

The Hon'ble BABU SURENDRA NATH BANERJI.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble CHAUDHURI MUHAMMAD ISMAIL KHAN.

The Hon'ble BABU UPENDRA LAL RAY.

CITY CIVIL COURT RESOLUTION.

[The discussion on the Hon'ble Babu Surendra Nath Ray's resolution, regarding the establishment of a City Civil Court in Calcutta, which had been postponed from the meeting of the 14th December 1914, was resumed. The Resolution was as follows :—

This Council recommends to the Governor in Council that a City Civil Court, separate from the Calcutta High Court, be established in Calcutta for the trial of suits valued at rupees ten thousand or under, or of such valuation as the Government may think proper, which may be instituted within the original civil jurisdiction of the said High Court, and that Government be pleased to take the necessary steps for the early establishment of such a City Court.]

The Hon'ble NAWAB SAIYID NAWAB ALI CHAUDHURI, KHAN BAHADUR said :—

"My Lord, when learned counsel and learned vakil disagree, it becomes difficult for lay people, innocent of legal wisdom, to make up their mind and vote with either. But I venture to think they are all the same entitled to entertain, and when necessary, to express, their own views on a matter such as the one now before the Council. For is it not this same body of men which is the litigant public as well, and which pays the piper ?

My Lord, as a man from the mufassal, owning neither blue nor buff as the colour of my conviction, I can claim to have viewed the subject from the standpoint of an impartial observer, who, perchance, might be credited with seeing more of the game than those engaged in it. A mufassalite having to spend quite a large part of the year in this city, I have had in a manner special facilities for noting and comparing things for myself, and I can at once say that I shall be sorry if the resolution now before us does not receive the whole-hearted assent of this Council.

My hon'ble friend the mover has dealt with his subject with a mastery of details which a man of his professional experience alone can command. After having listened to him it ought not to be difficult for any one of us to fall in with his views. The facts and figures with which the Hon'ble Mr. Ray has embellished his arguments are in themselves very instructive and sometimes amazing to a degree. If the Original Side of the High Court has been known to us for anything more than for any other, it has been for certain, rather original, methods in which people can relieve themselves of their superfluous cash with its aid. We of the mufassal fight shy of the ordinary original civil jurisdiction of the Calcutta High Court, because to have property or any business concern within the magic girdle of the Circular Road, stands for a series of interminable troubles, directly one has to cultivate acquaintance with a particular neighbourhood not far from this Council chamber. While life in these circumstances proves a burden, death, which ought to close one's days of misery, oftentimes opens a chapter of misfortunes for the dear ones left behind. For, it is no exaggeration when I say that it is at best a legacy of troubles which people often bequeath to their children in this Presidency town, thanks to the costly and cumbrous procedure obtaining on the Original Side.

Since the introduction of the resolution last December, a mass of literature bearing on the subject has been placed before us. And from all that I have been able to gather, I am firmly convinced that there is absolutely nothing to be said against the proposal. The main question on which the whole thing turns is as to whether the Original Side practice and procedure keep out a class of people who have to put up with wrongs rather than seek redress in the High Court. The answer to this has been furnished, in the only possible way in which it could be furnished, by an emphatic 'yes,' by our worthy Municipal Corporation as also by the British Indian Association—quarters to which alone one would look for an unbiassed and authoritative expression of opinion on the point at issue.

There is one common sense point of view from which I would ask hon'ble members to approach a discussion of the question before us. Under present conditions, each party to a suit on the Original Side has to choose a

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[*Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur.*]

particular class of legal practitioners through the agency of another branch of the legal profession, the minimum requisite being one lawyer of each of these two classes. It seems to me almost an interference with the rights of parties thus to bind them down under hard-and-fast rules in the choice of their legal advisers. The choice as well as the number of lawyers to be engaged in a particular case must depend on various factors, and very particularly on the length of the purse of the party concerned. Outside the jurisdiction of the Original Side the parties have a perfect liberty of choice in the matter of their legal advisers whose number need not be more than one on each side, and even when these mufassal cases come up to the High Court on appeal, their freedom of choice is not taken away. I do not see any reason why on the Original Side alone there should be any artificial restrictions in the matter of their choice of lawyers. If a vakil can be good enough for my purpose in one room of the High Court, I fail to see why I should be obliged to engage at a greater cost perhaps indifferent counsel along with the necessary adjunct, a solicitor, in order to represent me in an adjoining chamber of the very same Court. This is, of course, how the incongruity and injustice of the whole thing strike a mere outsider belonging to the mufassal.

As my hon'ble friend has said, the proposal he has brought forward is not a new one. Much controversy raged round the subject more than ten years back, after the proposal was started by Lord Curzon; and an old resident of Calcutta—a respected member of my community and the first Moslem graduate in Bengal—threw himself into it with a view to help the inauguration of a District Civil Court in Calcutta which would bring justice to the doors of those of humbler means. In the course of an article on the subject, this old gentleman wrote thus :—'I am an Indian and may be supposed to possess some knowledge of the Indian people. I am an old resident of Calcutta, and my experience may not be entirely worthless. I know of cases where people dispossessed of rights have not been able to sue because of exorbitant costs; I know of cases where part owners have been continually cheated and have eventually had to accept a settlement and give up a portion of their just claims; I know of cases where people have had to surrender a right of drainage on account of the heavy costs of seeking aid of the High Court.'

My Lord, who can read these lines but as an indictment of the cumbrous and costly judicial procedure at present in vogue in Calcutta? If we are not to be told that men of moderate or humble means are so many intruders in this city, whose presence within the city limits of Calcutta is not desirable and is not desired, if we are not to be told that the Original Side exists for the perpetuation of an institution which stands self-condemned in the eye of the people, and for the benefit of the few whose powerful voice drowns the moan of the weak and the poor, then certainly a measure on the lines suggested by my hon'ble friend should be taken immediately in hand by your Lordship's Government. If Your Excellency can carry out this much needed reform, your Lordship's name will be handed down to posterity as a benefactor of the poorer classes, who are the hardest hit by the present Original Side procedure.

My Lord, I have heard it said that cheap justice is not quite the thing one should grow a liking for. But can there be no contrivance by which cheapness can be combined with efficiency? It is a matter of common knowledge that our subordinate Indian judiciary dispenses justice of a marvellous quality considering the expenditure involved. But, I take it, that what my friend the hon'ble mover has before his mind's eye is not a mere replica of a mufassal Civil Court, but a court presided over by a professional man almost of the same calibre and experience as the average Original Side Judge—one who should be able to satisfy the most fastidious of our city friends. It will, moreover, I trust, combine in itself the best features of the Original Side as also of the Mufassal courts, and thus set at rest the opposition which the proposal has evoked.

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[*Raja Dinendra Narain Ray.*]

There is a section of the public which views the proposal embodied in the present resolution as one to shear the High Court of its crown and glory. I trust the High Court has not yet to depend upon its ordinary civil jurisdiction as the sole generating source of the halo that has been surrounding it so long.

I beg to remind my friends that the Original Side affects people who, I concede, may be the cream of our society, but who certainly form nothing more than an insignificant minority, considering the vast millions inhabiting the three provinces over which the High Court of Calcutta exercises jurisdiction at present. The only character in which the High Court presents itself to the view of the people in the mufassal, is that of the Supreme Court of Appeal which corrects evils and sets its erring subordinates right. And it is more in this character that the High Court of Calcutta has justly earned its noble appellations of the great palladium of justice and the bulwark of the people's rights and liberties. So long, therefore, as the appellate jurisdiction retains its vitality and continues as a relentless mentor of people and official alike, so long, I say, will it continue to hold its unrivalled sway over the hearts of the people.

My hon'ble friend the mover has, with becoming modesty, refrained from approaching the subject from the point of view of the profession which he represents. To one uninitiated into the mysteries of the legal castes, the distinction made in our country between the members of the English Bar and lawyers of Indian training appears meaningless and unjust. The arbitrary exclusion of the latter class from work of a particular character and cases of a particular locality is irksome not only to themselves but to the public at large. It really passes my comprehension, My Lord, how those gentlemen who are loudest in holding forth on the excellence of indigenous talents, when the question of simultaneous examinations or recruitment for higher offices come up, can with any show of reason and decency deny the Indian-trained lawyers an equality with the gentlemen of the long robe—mostly Indians as they are now in Calcutta—an equality which they have more than earned by sheer merit and proved on occasions innumerable. In this view of the matter, if the present proposal is not carried into effect by Government, the alternative suggestion put forward by the Corporation of Calcutta will be equally welcome. For, if the vakils and solicitors are permitted to act and plead on the Original Side on a plane of equality with barristers, this galling caste system in the ranks of the legal profession will be greatly mitigated while the cause of our present complaint will also be very largely removed.

With these few words, My Lord, I have great pleasure in supporting the resolution which has been so ably moved by my hon'ble friend."

The Hon'ble RAJA DINENDRA NARAIN RAY said :—

"My Lord, the controversy which is the subject matter of the present discussion is more than a generation old. The costs of litigation on the Original Side, where a litigant must engage an attorney as well as a barrister are so ruinous a scale that it has become a public grievance in Calcutta. Where claims are small and contested, not exceeding Rs. 5,000 the successful litigant scarcely recovers anything worth having. It has been urged in favour of the present system,—

1st.—That the litigant has not to pay any initial court-fee.

2nd.—That the cases being in the hands of barristers are better conducted than the mufassal cases.

3rd.—That the superiority of the Judges on the Original Side is beyond dispute.

4th.—Sometimes the cases are so intricate that they cannot be satisfactorily decided by provincial Judges.

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[*Rai Nalinaksha Basu Bahadur.*]

I do not know nor can I conceive of any other point in favour of the present system and I may say at once that the 2nd and the 4th points have no substance in them. The class of barristers who are generally engaged to conduct a case valued at anything not exceeding Rs. 5,000 is superior to the class of vakils or pleaders who would generally be engaged to conduct such cases if a City Civil Court were established. I cannot admit that such a contention is worth serious consideration. Again it would be idle now to contend that the Calcutta cases are generally of a more intricate nature than mufassal cases and as such the provincial judiciary are not fit to try them. As regards the 3rd point, although the superiority of the High Court Judge is beyond question, the point loses its importance the moment it is admitted, as it is generally admitted, that the cases may also be satisfactorily disposed of by the provincial Judges. The only point which really is in favour of the Original Side is that no initial court-fee need be paid. But here again costs are to be calculated not upon one particular item, but as a whole, and there can be no doubt that litigation on the Original Side is more costly. Even as regards the initial court-fee, it must be borne in mind that the costs on this particular head go to the benefit of the public revenues, whereas from a litigation on the Original Side the public revenues are scarcely benefited. And there is no reason why, from the necessary evil of litigation, the public revenues should not be benefited, even if by the establishment of City Court the total costs are minimised. The whole thing really turns upon this—whether it is an admitted fact that litigation is much more costly on the Original Side, and once this is admitted it would make a very strong case for the establishment of a City Civil Court.

Any device which would lessen the costs of litigation on the Original Side would be a blessing and if by the establishment of a City Civil Court this desirable consummation is effected the proposal cannot but receive general sympathy and support.

With these few words I beg to support the resolution."

The Hon'ble RAI NALINAKSHA BASU BAHADUR said:—

"I beg to support the resolution so ably moved by my hon'ble friend Babu Surendra Nath Ray. The establishment of such a Court in Calcutta as is mentioned in the resolution is, in my opinion, an indispensable necessity and the want of it has been causing great inconvenience, trouble and a good deal of unnecessary expense to litigants having suits in the Original Side of the High Court. In the mufassal, suits valued at amounts exceeding one thousand rupees are, as a rule, instituted in the Court of a Sub-Judge and are tried by him. This state of things has been continuing from a long time and I am in a position to state without fear of contradiction that I have never heard of any complaint or of any agitation that the suits there have not been efficiently or properly tried. On the other hand, I know from personal experience that cases which could be instituted either in Calcutta or in the mufassal had been instituted in the latter place on the ground that the litigants expected that they would be more speedily disposed of and that they would entail far less costs and trouble there. It is a matter of public notoriety that the costs incurred by the parties to a litigation carried on in the metropolis are far greater than what is incurred in the mufassal and people generally believe, and they do not hesitate to express their belief that in the majority of cases even a successful litigant finds after the contest is over that the expenditure incurred by him has not only swallowed up the value of the property in litigation but that a large amount in excess of that has gone out of his pocket. The reason for the above state of things is not far to seek. In respect to suits instituted in the Original Side of the High Court parties cannot instruct their Counsel (who really conduct their cases) without the intervention of a very powerful and expensive body of gentlemen known as attorneys and therefore as a rule they have to pay a double set of lawyers

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[*Rai Nalinaksha Basu Bahadur.*]

to have their cases conducted there. In the mufassal, the scale of pleaders' fees has been fixed by Circular Orders of the High Court and although the pleaders do not strictly adhere to that scale in exceptional cases, but in charging their fees they keep the scale always in view and in short a mufassal pleader's fee in conducting a case is far less than what is paid to an attorney who never forgets to charge his client even for a minute spent on his work. In addition to what is paid to an attorney, the Calcutta litigant has to pay a very heavy amount as an honorarium to Counsel for conducting his cases.

As regards the average duration of a case in the mufassal and in Calcutta respectively, I am sorry I am unable to quote chapter and verse but from what I know personally and from what I have heard from persons having a first hand knowledge I can say with confidence that a longer period of time is occupied in the Original Side of the High Court than what is occupied in the mufassal for the disposal of a case, and it can be taken as a settled fact that the expenditure incurred in litigation is proportionate to a certain extent to the time occupied by it and therefore a mufassal litigant enjoys better facilities in having his case tried more quickly and at a far less cost.

If my hon'ble friend's resolution be accepted and a City Civil Court be established in the metropolis, vakils and pleaders will resort to it and conduct the cases instituted therein and it is expected that the Calcutta litigant will enjoy the same facilities and privileges as are enjoyed by a party to a suit in the mufassal. An argument has been advanced that the Calcutta litigants are likely to suffer inasmuch as their cases will now be conducted by less able men. Even if it be conceded that vakils and pleaders are inferior in knowledge and ability to counsel and attorneys, which they are not, but that fact, in my humble opinion, does not affect the question at issue inasmuch as the test is whether the suits, if managed by vakils and pleaders, are efficiently conducted and if that is done, then whether the cases are conducted by men of great ability or of mediocre competency does not affect the matter. Moreover the parties will not lose their privilege of engaging counsel and attorneys if they like to do so.

As far as I remember, the question now under discussion was before the public on more than one occasion and if my memory serves me right, the opinion of Government authorities and of some of the ablest Judges of the Hon'ble High Court was not unfavourable to the establishment of such a court. But on the strong opposition of the attorneys and the Calcutta English Bar, the proposal has been kept in abeyance so long a time. It is an open secret that the people of Calcutta very much depend on their attorneys and in a matter like this they are undoubtedly greatly influenced by them and therefore strong opposition has been made to the proposal. The practice of receiving a brief and getting instructions by counsel in connection with a case in the Original Side of the High Court through attorneys is a long established one, and neither the attorneys nor members of the English Bar are willing to depart from it and therefore they have joined the opposition, and the Government, with a view to consider the matter in its various aspects, have invited the several Associations in Calcutta to express their opinion on the subject, but the matter sought to be introduced is so simple, clear and necessary that Your Excellency's Government will have no hesitation to allow the resolution to be accepted.

My hon'ble friend's motion is very moderately worded. He has proposed that the City Civil Court to be established in Calcutta will have jurisdiction only over cases the valuation of which will be up to rupees ten thousand and that cases of higher value will continue to be tried by the Hon'ble High Court. In the circumstances, I hope that the Hon'ble Members will agree to the passing of this resolution.

My Lord, now I beg to refer to some of the arguments advanced by the opponents of this measure. It has been said that the administration of justice

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must fulfil certain requisites. It must be efficient, it must be expeditious and it must be as far as possible economical, and if the administration of justice in the Original Side fails in any of the particulars, undoubtedly it has failed as a system of administration of justice, but it has not failed inasmuch as the Bengal Chamber of Commerce has not complained against it nor has the landed interest found fault with it, nor has the Press raised its voice to protest against it and therefore it can be taken for granted that it has done its duty satisfactorily. Now let us see, My Lord, whether the above contention is sound. In enumerating the essential requisites of the administration of justice, the opponents have forgotten to mention the most important fact that it is absolutely necessary in a well governed state that justice should be accessible to all and that the method of administering it should be so simple as to be within the reach of every one. It should be borne in mind that it is a blot on an administration if owing to a complicated system of procedure a man is unable to get redress for a wrong committed on him.

As to why the Bengal Chamber of Commerce have not raised their voice against the complicated and costly procedure obtaining in the Original Side of the High Court, I beg to state that the constituents of the Chamber are all rich European merchants quite competent to pay the exorbitant bills of their solicitors and have been accustomed to the procedure which have been borrowed from England. In their eyes there is nothing new and therefore they have taken no exception to the procedure. As far as I am aware they have had no occasion to consider whether the complex system prevailing in a rich country like England is suitable to the poor people of this country. Moreover it is a well-known fact that in England as well as in this country each European firm has its constituted attorneys who are their principal advisors and by whom they are led. Consequently they are averse to do or say anything which is likely to go against them.

Then as to the remarks that landed interests and the Press have not moved in the matter under consideration. I have simply to say that they did move previously and are moving now.

Then as regards the remarks that justice should be cheap, but may not be too cheap I have to say that I am unable to understand what is meant by it. In the first part of my speech I have said that in the mufassal all suits valued at amounts exceeding Rs. 1,000 are as a rule instituted in the Court of a Subordinate Judge and tried by him and conducted by vakils and pleaders and this state of things has been existing for a long time and I am in a position to say that I never heard of any complaint or any agitation that they have not been efficiently or properly tried. Do the opponents of the measure mean to say that because the cases in the mufassal are conducted more cheaply therefore they have not been tried efficiently, and it should be borne in mind in this connection that even Sir Satyendra Prosanna Sinha had to admit that they are efficiently tried there.

It has been further contended 'it is feared that not only that the new Court will not be as efficient as the High Court, but also that the transfer of a considerable portion of the work of the Original Side will weaken the authority, independence and prestige of the High Court; suits up to the value of Rs. 10,000 form a large percentage of the cases in that Court and the proposed Court will take away from it the bulk of its work. There are therefore grounds for the apprehension that the proposed measure might ultimately result in the practical abolition of the original jurisdiction of the High Court.' The above arguments in my humble opinion have no force. The people of the mufassal have a very high regard for the High Court which they consider as the bulwark of their liberty and they are therefore most unwilling to do or say anything which is calculated in any way to weaken the authority, impair the independence and lower the prestige of the Hon'ble High Court, but they fail to understand how the transfer of cases of small

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value from the Original Side of that High Court to another Court can in any way affect the independence and prestige of that Court. The Original Side of the High Court has ordinarily no jurisdiction over the mufassal. Can it therefore be said that the High Court's prestige and authority over the mufassal is nil? Certainly not. Any reasonable man will no doubt come to the conclusion that the High Court's authority over the mufassal is as paramount as it is in Calcutta and it is not affected in any way by the fact that the mufassal is not within the ordinary jurisdiction of its Original Side. Then as regards the apprehension that the transfer of cases mentioned above is likely to abolish the Original Side of the High Court is not in my humble opinion well founded. Besides trying civil cases the Original Side has to dispose of various other matters connected with matrimonial, probate, admiralty and diverse other jurisdictions in addition to holding sessions and it will no doubt continue trying suits valued at amounts exceeding Rs. 10,000. Supposing that the Original Side is relieved to a great extent by the transfer of cases mentioned above, that fact will no doubt be beneficial to the litigants without being in any way detrimental to their interests, inasmuch as the Hon'ble Judges of the High Court who sit in its Original Side will have spare time to clear the congested file of the Appellate Side.

Then it has also been suggested by the opponents of the resolution that the mufassal procedure affords great facilities to have *ex-parte* decrees and sales set aside and to cause much delay in the ultimate determination of a litigation. This argument has not at all been substantiated nor can it be substantiated. The Bengal Administration Report for 1912-13 shows that the percentage of application for re-hearing was only 4·9 and of these only 2·4 succeeded. In the previous year such applications were only 4·1 per cent. of which 2·1 succeeded. The above facts go to refute the charge made above. The percentage of successful rehearing applications would have been still less if properties in the mufassal could be so easily identified as they are in Calcutta, and if peons were paid their travelling allowance to serve the processes.

Then it is said there are frequent postponements in the mufassal by which the parties are harassed to a great extent and therefore on the whole litigation in the Original Side is less costly. This proposition also in my humble opinion is far from correct. A comparison of the disposal of cases in the Original Side with those of the mufassal will no doubt throw a flood of light on the subject and absolve the mufassal courts from the charge of dilatoriness imputed to them. It will appear that in the year 1911 each Judge of the High Court has decided 84 contested suits and 181 uncontested suits, whereas in the mufassal in that year each Judicial officer has decided 333 contested suits and 1,689 uncontested suits. In the following year each Judge of the High Court has disposed of 130 contested suits and 298 uncontested suits against 303 contested suits and 1,376 uncontested suits by each Judge in the mufassal. It is quite apparent therefore that a mufassal Judicial officer had disposed of a larger number of original suits than those decided in the High Court. When the difference in the efficiency of the Judges in these two classes of tribunals is taken into consideration as also the facilities in the one and difficulties in the other regarding ministerial officers and the record of evidence are taken into account the difference becomes all the more clear in favour of mufassal Judges. This favourable result can therefore be ascribed only to the simpler procedure prevailing in the mufassal. The Bengal Administration Report of 1913 will further show that in the mufassal 79 per cent. of the cases were disposed of whereas in the High Court only 46·7 per cent. were disposed of in the year. Then there is another fact which is to be taken into consideration in connection with this point. In 1911 only 253 contested suits were decided in the Original Side of the High Court but the total number of interlocutory applications came upto 5,231. In 1912 although only 390 contested cases were disposed of the total

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number of interlocutory applications came up to 8,811. The large number of such applications as against such a small number of contested suits would clearly go to show how expensive is the Original Side litigation.

If the expenses for each application be estimated at the moderate figure of Rs. 150 the total amount spent on interlocutary applications alone as against the small number of contested suits amount to Rs. 7,83,750 in 1911, and Rs. 13,21,650 in 1912. Before going to another point I propose to deal with the question as to what are payable to Government and what are payable as lawyer's charges by litigating parties. I take the figures from the report of the Secretary of the Vakils' Association. In 1912-13 the total number of suits decided in the Original Side of the High Court was only 1,284 of which 335 were dismissed for default, 35 withdrawn, 23 compromised, 134 decreed on confession, 324 decreed *ex-parte*, 21 dismissed *ex-parte*, 22 referred to arbitration, 274 decreed after contest and 116 dismissed after contest. So the total number of contested suits which were decided was only 390. It appears also that receipts of Government from the Original Side amounted to Rs. 9,09,597-4-2. Therefore the average amount realised by Government amounted to Rs. 2,332 and odd per case, if 390 contested suits be taken to be the basis of calculation and little over Rs. 708 per case if the total disposal of 1,284 cases (including the large number of uncontested cases) be taken to be basis of calculation. But in the mufassal 624,647 suits were decided and Government received by the sale of court-fee Rs. 1,32,27,346 so for each case Government received Rs. 117, if the total number of contested suits viz., 112,879 be taken to be the basis of calculation and Rs. 21 and odd per case if the total disposal of 624,647 suits (including uncontested suits) be taken to be the basis of calculation It is therefore proved to demonstration that the argument based about heavy Government cost on account of a system of payment by court-fee stamps is fallacious and incorrect and that as a matter of fact the costs under this head amount to about Rs. 1 : 20 and 1 : 34, respectively, in the mufassal as compared with the Original Side of the High Court. Then as to costs payable as lawyer's charges. It is quite clear that the employment of one set of lawyers will cost less than two. If however we go to items of expenditure we find that according to the scale laid down by the circular orders of the High Court, a successful litigant would be entitled to get Rs. 450 only as pleader's fees for a suit valued at Rs. 10,000 and to Rs. 250 in a suit valued at Rs. 5,000. The average court-fee payable for a suit valued at Rs. 10,000 is Rs. 475 and for a suit valued at Rs. 5,000 is only Rs. 275 and allowing Rs. 25 for process fee and incidental charges the average total cost in the mufassal for a suit valued Rs. 10,000 would be Rs. 950 and for a suit valued Rs. 5,000, Rs. 550.

It has been further contended that the establishment of a City Civil Court will introduce a dangerous innovation into litigation affecting the Calcutta public and further by allowing all classes of lawyers to act and plead before the proposed Court, a system will be introduced which is condemned by great English lawyers. My answer to the argument is that I fail to see why it should be condemned by great lawyers. If we look to the judicial system in England we find that the County Courts there (and the City of London Court has by statute been converted into a County Court) have jurisdiction to try suits up to a value of £500, equivalent to Rs. 7,500, in certain specified matters among which foreclosure or redemption, specific performance, dissolution of partnership, relief against fraud, etc., find a place. We also find that the County Courts have jurisdiction to deal with cases where the value of lands, tenements and heriditaments of the rent payable in respect thereof does not exceed £100. It may be stated here that the market value of a property getting an annual income of £100 is Rs. 30,000. If in London itself a County Court has jurisdiction to try suits of the above descriptions and value I am unable to conceive how the proposed establishment of a City Civil Court in Calcutta can reasonably be condemned.

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[*Mr. Stewart and Nawab Syed Shams-ul-Huda.*]

Much has been said about the defects of the mufassal procedure but those who have attacked the procedure there forget that the mufassal procedure is based upon the Civil Procedure Code, the provisions of which apply almost in its entirety to the Original Side of the High Court as well, and it may be stated without fear of contradiction that if the procedure of one Court differs from the other in certain matters it will be seen very easily that the procedure prevailing in the mufassal is simpler in respect to that matter.

In the circumstances I hope that the Council will pass the resolution and the Government will be pleased to have a City Civil Court established as mentioned by my hon'ble friend."

The Hon'ble MR. STEWART said :—

"My Lord, I think it will probably be remembered that in 1903 when the proposal for the establishment of a City Civil Court was considered, it was very strongly opposed by the Bengal Chamber of Commerce. That was a number of years ago and we have therefore thought it well to consult all our members to ascertain if their views in the matter have undergone any change. We find that they have not and we have therefore to oppose the resolution. At the same time, I trust that the various suggestions which have been made for the revision of a part of the procedure of the Original Side of the High Court and for the reform of the Small Cause Court will engage the serious attention of the authorities. Beyond this, I would say for myself that while I have a sincere desire for the well being of all classes of the inhabitants of Bengal and while I am open to conviction—it will take a good deal to convince me that their happiness and prosperity would be increased by the provision of any such opportunity as the proposed Civil Court for the further multiplication of litigation in this Presidency."

The Hon'ble NAWAB SYED SHAMS-UL-HUDA said :—

"My Lord, I think it desirable at this stage to indicate the attitude of Government with reference to this resolution.

The proposal for the establishment of a City Civil Court is not a new one. Hon'ble Members are probably aware that in 1902 the Secretary of State in a despatch suggested the establishment, on the lines of the Madras City Civil Court, of a City Civil Court in Calcutta. The Government of India consulted the High Court on the proposal and also the Government of Bengal The Government of India were of opinion that such a tribunal in Calcutta would relieve the High Court of a great deal of petty work and would enable a certain number of people to obtain justice who were debarred from bringing their cases in the High Court by the expense and delay involved. They proposed to limit the jurisdiction of such a Court to Rs. 5,000 both as regards commercial cases as well as those relating to immovable property. The Government of Bengal were asked to consult various public bodies interested in the matter and as a result of such consultation it appeared that the feeling of the merchants and tradesmen of Calcutta was in favour of having their cases tried by the High Court with the assistance of solicitors and barristers rather than by such a tribunal as the proposed City Civil Court. The Government of Bengal in their letter dated the 29th December 1903, while strongly supporting the proposal on the merits, expressed the opinion that it was inexpedient, having regard to the opposition both of the High Court and the public bodies consulted (the British Indian Association was the only body that had favoured the proposal), to establish such a court then and asked to be allowed to postpone the consideration of the matter for some time to come, and the Government of India, in view of the objection taken, decided to suspend further consideration till a more opportune time.

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On the 14th of December when this resolution was first moved in Council Your Excellency on the suggestion of the Hon'ble the Maharajadhiraja Bahadur of Burdwan postponed the consideration of it till the conclusion of the budget debate in order to ascertain the opinion of public bodies interested in the question. These opinions have now been received and disclose considerable divergence of views. The same difference of opinion seems to prevail among the nonofficial members of the Council. Government are not therefore in a position either to accept or to oppose the resolution. We have decided to leave the resolution to be debated by the non-official members among themselves, official members will take no part either in the discussion or in the voting. Government are however prepared in the light of the discussion in Council and the opinions received to re-examine the question and will do so with a perfectly open mind."

The Hon'ble RAJA HRISHIKESH LAHA said :—

"My Lord, I beg to support the resolution moved by my hon'ble friend subject to certain modifications which I shall state hereafter. It is admitted on all hands that in considering any reform regarding the administration of justice, three things should be borne in mind, namely, (1) efficiency, (2) expeditiousness, (3) cheapness, and these elements are not to be lost sight of in dealing with the administration of justice in a city like Calcutta. There is no doubt that the Judges of the High Court are the best and the most efficient and it therefore logically follows that the High Court should continue to exercise jurisdiction over the town of Calcutta as at present, but the rules of procedure and the right of audience should be modified having due regard to the interests of the litigant public. The restriction as regards right of audience on the Original Side which is now confined to only one branch of the legal profession, should be removed and the litigants should be allowed a free choice as regards their legal advisers ; that is, the suitors having regard to to their means, may have the liberty to engage either a barrister, a solicitor or a vakil to appear and conduct their cases. This will be considered a real boon by the litigant public.

The apprehension, that the junior members of the Bar will be deprived of the means of proper training such as at present to make them fit to conduct bigger cases as seniors, is, on the face of it, groundless. It is not proposed to curtail any of their rights and they will have their training if people find them to be competent and not at the same time very expensive. It is suggested that the reform indicated above will benefit one branch of the profession at the expense of the others, but where the removal of a restrictive monopoly is the question at issue, this argument does not carry much weight as the balance of advantages is on the side of the public. It has also been stated by the Incorporated Law Society that 'the destruction of a profession could only be justified by the securing of clear and considerable advantage to the public.' It is beyond question that the public will be greatly benefited, but the so-called destruction is not borne out when we consider the statement made by the Bar :—'As a matter of fact attending to suits in which he is engaged by his client is the least remunerative part of a solicitor's work. He makes money in a variety of non-court-work, *e.g.*, drawing conveyances, leases, etc.' It will therefore appear that if the right of audience be granted to solicitors, their income instead of being affected will be increased inasmuch as they will have an additional source of earning opened to them.

Then it has been said that the administration of justice on the Original Side is more expeditious than in the muffasal Courts and various instances have been cited in this behalf. But the facts disprove this contention. That the muffasal courts are more expeditious is proved by the number of cases disposed of in any one year as stated in the Administration Reports of

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Bengal of 1911-12, 1912-13, and 1913-14 as may be seen from the papers circulated to us. It has further been overlooked that if the City Civil Court be established there will be but one appeal to the High Court as at present allowed from the decision of the Judge on the Original Side and there will be no opening for 'interminable regular appeals, second appeals, third appeals etc.'

It has also been urged that muffasal procedure affords facilities to litigants to have *ex-parte* decrees and sales set aside, thereby prolonging litigation, but we must not forget that this is due only to the difficulties of identifying persons and property in each district comprising a vast area and affording very little facility for communication. In Calcutta the narrowest lane is named and the smallest plot of land is numbered, and people here have their fixed place of abode which can be easily found out. If the muffasal procedure is applied here, there will be no fear of irregular service of notices and summonses as also of *ex-parte* decrees and sales being set aside for non-service.

As to cost, there is not the least doubt that the dual system of a barrister and a solicitor in any suit of however small a value is much more expensive than the system prevailing in the mufassal. The instiution fee on the Original Side appears at first sight to be very small, but if we take into account the other items of expenses for interlocutory applications and other incidental matters, the total expenditure comes to a very large amount. On this point, I cannot resist the temptation of quoting from the letter from the Vakils' Association which gives a comparative statement of costs incurred: 'It appears also that the receipts of Government from the Original Side amounted to Rs. 9,09,597-4-2. Therefore the average amount realised by Government amounted to Rs. 2,332 and odd per case.' It further points out that 'the average realisation by Government in mufassal amounted to Rs. 117 and odd per case.' In other paragraphs we find such statements as the following:—

'The average total costs in the muffassal for a suit valued at Rs. 10,000 would be Rs. 950 and for a suit valued at Rs. 5,000, Rs. 550' and 'if inquiries are made about the costs of litigation on the Original Side, such costs for suits of similar value would by far exceed the aforesaid figures of Rs. 950 and Rs. 550.'

Taking all these facts into consideration, it appears to me that justice would be better administered if barristers, solicitors and vakils be allowed to practise on the Original Side of the High Court and the public be given liberty to choose their own legal advisers without the intervention of any one, thereby enabling them to make their own terms according to their means. Failing reform of the Original Side on the lines indicated above, I would support the establishment of a City Civil Court in Calcutta."

The Hon'ble CHAUDHURI MUHAMMAD ISMAIL KHAN said:—

"My Lord, to us the non-lawyer section of this house the heated controversy which the present motion has given rise to between two branches of a learned profession which has not unoften been known to fatten on the quarrels of others, is invested with an interest all its own. One used to think that—

'Lawyers are too wise a nation
T' expose their trade to disputation
Or make the busy rabble judges
Of all their secret piques and grudges.'

I do not, however, mean to suggest that there is the hand of Nemesis in it all or that the discussion has been the outcome of selfish professional

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considerations. Indeed, the names of the gentlemen of the legal profession who have contributed to our deliberations here on this matter are in themselves sufficient proof that whatever has been said or written has been done so with the best of motives.

The one thing that boldly emerges into view and arrests our attention from out of the varied mass of materials which has been thrown up by the troubled sea of controversy is a picture drawn by the Lion of the Original Side of his own benine majesty. It is, as all such likenesses must be, a little idealised, a little overdrawn and bears loud testimony to the fact that rather thick lines have been added here and there to conceal the repellant look of certain ungainly features. The Calcutta Bar Association worthily instructed as they are by the Incorporated Law Society have inveigled themselves into the belief that their body is the constituted custodian of the rights and liberties of the people, the mainstay of justice and Judges as also of the blue gowned vakil who shines only by reflected glory and that it is the English Bar to boot. My Lord, one is struck by certain points of resemblance between this self-drawn picture and the portrait of the famous knight of La Mancha, the place of his equally famed shield bearer being also fittingly supplied. It is argued that the Calcutta branch of the 'dear English Bar' must have the Original Side as a close preserve for themselves in order to be able to discharge its benevolent duties towards humanity and to 'keep the juniors above want' which is no doubt an equally laudable object. But do these learned gentlemen seriously expect us to think that the question now before us should be approached only from the standpoint of the best interests of any particular profession? After all, the clever arguments which have been put forward to make it appear as if the interests of the public coincide with or rather depend upon the interests of the English Bar, we remain unconvinced that the public exist for the professions and not the professions for the public. I make bold to think that in all such questions the point of view of the public is the only thing that has got to be considered and not how the lawyers, barristers, vakils or solicitors may be affected.

The barristers nevertheless have plumped for a perpetuation of the present system of monopoly because otherwise the world will come to a speedy end. The Incorporated Law Society have gone one better and have petulantly asked for damages if a City Civil Court is established or any other decision is come to by Government which may have the effect of reducing the depth of the solicitor's pocket. There seems to be some curious difference of opinion as to how the Solicitors will be affected by the proposed measure. We have the Bar Association solemnly assuring us that 'A solicitor's business will go on just the same whether a City Civil Court comes into existence or not.' That ought to settle the question so far as the solicitors are concerned and to my mind there is no justification for them to put on an air of injured innocence.

After a great deal of futile labour to prove that the Original Side is the epitome of all virtues—known and unknown—the Bar Association unconsciously admit, though not in so many words, the grievance which people have in regard to the ruinous cost of litigation in Calcutta. For we find at the conclusion the Association putting forward two suggestions as to how relief might be given to petty litigants. My Lord, I cannot resist the temptation of quoting the first of these two suggestions which runs thus:—

'The Government may give some relief to really hard cases of petty litigants out of the profits made by them year after year from the Original Side.' This idea of running Courts of Law on a co-operative basis is nothing if not original, and beats all known principles of socialism. Your Lordship will note that the parties to this profit-sparing arrangement will be Your Lordship's Government on the one hand, and the litigant public on the other. The contribution made by the Bar to the poor box is the suggestion itself which is invaluable and for which I sincerely hope the English Bar of Calcutta do not propose to charge Your Excellency's Government hereafter.

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To be serious. I do not think the Bar Association and the Incorporated Law Society have been successful in their attempt to exculpate the Original Side of the charges that have been levelled against it. As matters stand people have to keep clear of the Original Side because the remedies which they can expect there often times prove very much worse than the disease. A clear case having been made out against the Original Side of the High Court it becomes a matter of secondary importance to the outside public as to the precise lines on which the reform should proceed. As much of the present grievance against the Original Side is due to the system of compulsory entertainment of a double-barrelled legal agency by every suitor and the practical monopoly enjoyed by a class of lawyers, it is therefore necessary to see that in any scheme of reform these two features are done away with. So far as the proposal now before the Council is concerned it satisfies this condition and is in every respect an eminently reasonable one, and I think it deserves the most careful consideration at Your Excellency's hand. With these few remarks I support the resolution of my hon'ble friend Babu Surendra Nath Ray."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My Lord, it has been suggested at a meeting of this Council that the resolution which has been placed before us is an offspring of some petty quarrel between two branches of the legal profession. I do not speak without record, for in the report of the proceedings of this Council which was held on the 14th December last, it was suggested by a gentleman occupying a very high position, that the pleaders of the High Court wanted to have a peep into the Original Side of that Court, and having failed in a direct attack, they have through their representative, the Mover of this resolution, come forward to make a lateral attack on the sacred precincts of the Original Side. I am very sorry that an attempt has been made to lower the dignity of the debate of this Council by pursuing such methods and to induce the Members of this Council to look at a thing from an entirely wrong point of view. If it was really the off-spring of a fight between two branches of the legal profession, I think Your Excellency would not allow the time of the Council to be wasted by a debate on the resolution before us. Sir Satyendra Prasanna Sinha, who, I am very sorry to say, is responsible for this suggestion, has held eminent posts under the Crown, and is himself a gentleman of sweetness and light. I miss him very much at this meeting, but that he should have in the least contributed to lower the dignity of a debate in this Council, is a matter which has deeply grieved me. After all, the leading members of the branch of the profession to which I have the honour to belong, or the branch of the profession to which Sir Satyendra Prasanna Sinha belongs, would not be affected in the least whether a City Civil Court is established in Calcutta or not. Looking at the other end of the scale, I have no doubt, however regrettable this expression of opinion may be, that there are as many cheap barristers as cheap vakils, and neither of these two bodies will be able to shut the other out even when a City Civil Court is established in Calcutta. The question ought to be looked at from the only point of view from which it ought to be looked at, viz., the point of view of the interests of the litigant public. From that point of view, Your Excellency's Government was pleased to ask the opinions of public bodies interested in this question, and this has been done, and as the Hon'ble Nawab Syed Shams-ul-Huda was good enough to point out, there is an acute divergence of opinion on this point. We have on the one hand the Bengal Chamber of Commerce, the European Association, the Calcutta Trades Association and the Marwari Association objecting to this proposal. We have on the other hand, the British Indian Association, the Moslem League and the Bengal National Chamber of Commerce approving of it. We have the Corporation

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taking a somewhat intermediate view, but substantially approving of the proposal. The question, My Lord, I confess, is not free from difficulties, but it ought not to be looked at from the point of view of either of the two classes of lawyers who are said to be deeply interested in this question. The arguments for and against the proposal have to be carefully weighed before arriving at a conclusion. So far as the arguments against the proposal made by my friend the Hon'ble Babu Surendra Nath Ray are concerned, I find that two are certainly worthy of serious consideration. First, that the proposal is of more extensive and of more elastic a character than the scope of the court established at Madras which is intended to be taken as a model. The Madras City Court has jurisdiction, as has been rightly pointed out, over cases not exceeding Rs. 2,500, and also the Act creating the Court, Act VII of 1892, excluded from the jurisdiction of that Court, suits of certain descriptions. Comparing this with the proposal before this Council, one must say that the jurisdiction so far as the proposed Calcutta City Civil Court is concerned would be more extensive certainly from a pecuniary point of view, and it has been pointed out by interested people that, upon data which perhaps cannot be challenged, the effect of establishing a City Civil Court in Calcutta with a pecuniary jurisdiction up to Rs. 10,000 in value, and excluding only cases of admiralty, matrimonial and insolvency jurisdiction, would be to take away from the Original Side of the High Court nearly four-fifths of the suits now tried there. This no doubt is a matter deserving of careful consideration. The other question, the other point which has been raised, a point which is also worthy of serious consideration—is whether by the institution of a City Civil Court in Calcutta, the scope of the Original Side of the High Court would not be so seriously affected as to require us to pause and consider the matter carefully. These are arguments no doubt which have to be weighed, but on the other hand, the principal question which it seems to me ought to be considered is, from the point of view of the litigant public, especially of the poorer classes of the litigant public, whether the continuance of present system is desirable or not. The opinion of the European mercantile community of Calcutta is entitled to great weight, but from the point of view which I am now placing before the Council for consideration, the more relevant thing would be the opinion of the poorer litigants of Calcutta. Now we have the opinion of the British Indian Association of Calcutta which has been circulated, and to which I beg to refer in this connection.

Referring to the European mercantile and trading classes, the British Indian Association says :—

'As they are not in touch with small landed proprietors in Calcutta, they are hardly in a position to appreciate the real difficulties and disadvantages of the situation, while their grievances, not finding their way into the law Courts, seldom, if ever, come to the surface.'

This Association in their letter puts before us a somewhat graphic case of this kind :—

It must be within the knowledge of most of the inhabitants of Calcutta that a poor man, who has his drain stopped or a few feet of his land encroached upon or his window built against by a wealthy neighbour or has a noxious trade set up beside his house, is generally obliged to put up with the wrong, or at best to submit to a disadvantageous compromise.'

It seems to me therefore that the opinion of the bulk of the Indian residents of Calcutta, especially those who have got to deal with the Original Side of the High Court and even the opinions of the petty landlords are entitled to consideration, because after all it is they who are seriously affected by the continuance of the present system. The reason why the poor litigants of Calcutta find it difficult to resort to the Original Side of the High Court for the removal of their grievances is that there is the dual system—the offspring of the English system—prevailing in the Original Side of employing a solicitor and a barrister, a system which is necessarily costly. There is no use denying, you cannot quote facts and figures against a very patent

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thing, that this dual system is expensive and costly and makes it difficult for poor litigants to remedy their grievances, and on that there cannot possibly be two opinions. As to the English system, even in England we find that there has been established a County Court in London which has now the power to try suits of various descriptions up to a limit of £ 500. Upon a careful weighing therefore of the points of view both in favour of and against the present motion, I am prepared to support it, but I must ask Hon'ble Members to dissociate themselves from the idea that the motion is the offspring of the quarrel between two branches of the legal profession or that there is any other point of view than the one which is the legitimate point of view. What is to be taken into consideration in this case is the point of view and the interest of the litigant public, especially of the poorer classes."

The Hon'ble BABU UPENDRA LAL RAY said :—

"My Lord, since the introduction of this resolution in this Council a few months back the various public bodies likely to be affected by this resolution availed themselves of the time and opportunity to form and express their opinions on it. After the budget discussion has been finished, this is the most suitable occasion to consider the resolution. As the subject is highly controversial it is no wonder that opinion on it should be divided specially because there are different branches of the legal profession whose interests would, one way or the other, be affected if the resolution is carried and given effect to. The object of the Hon'ble Mover is to minimise the expenses that are now incurred on the Original Side of the High Court by the establishment of a City Civil Court. Several instances have been cited in support of the contentions of each party, but it is admitted by many that the dual system of lawyers, I mean the solicitor and the barrister, on the Original Side of the High Court is a source of unnecessary additional expenditure on the part of litigants. I cannot imagine why barristers should not prepare their own briefs for conducting cases. In very many important cases they are consulted by attorneys and settle the plaints and written statements drawn by the latter and sometimes draw the plaints and written statements themselves. Why then should they not act alone without the help of solicitors in the conduct of these cases? On the other hand, are the solicitors who place everything in a cut and dried form before the barristers less competent to examine witnesses and argue the cases? I do not understand why within the limits of the Town of Calcutta a barrister only should enjoy the privileges of executing commissions and examining witnesses which are denied to his brethern of the other branches of the legal profession? Can it be conceived that an attorney, vakil or a pleader who is quite competent to conduct a case in any of the mufassal Courts loses his talents no sooner he enters the sacred precincts of the Original Side of the High Court? Why then should there be any distinction? The threat contained in the opinion of the Bar that 'if the City Civil Court comes into existence the Bar may be compelled to relax its rules of etiquette and allow its junior members to act as well as to plead, without the intervention of a solicitor, vakil or pleader and to deal directly with clients and witnesses' would be welcome to the litigious public even if the City Civil Court is not established.

My Lord, I do not profess to be an expert on these questions; but though a mufassilite, I as one having some mercantile and landed interests both at Calcutta and in the mufassal, have some experience of the respective costs one has to incur no sooner he chooses or is compelled to have recourse to the Original Side of the High Court as well as to the mufassal Courts for any relief. Before settling down in Chittagong about 12 years ago, I served for a full period of 5 years under articles of clerkship to a well-known attorney of Calcutta and this also enabled me to get into close touch with the

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affairs on the Original Side of the High Court. The principal objection is to the compulsory appointment of both counsel and attorney on the Original Side.

The question we have to discuss is whether in practice a suit on the Original Side of the High Court is more or less expensive than one in a mufassal Court. The arguments put forward in favour of the High Court have all been based on the efficiency and expeditiousness for which that Court has an established reputation. No one denies it ; but it is a matter of common knowledge that the expenses of litigation on the Original Side are much larger than those in a mufussal Court. It is often said that the troubles of the decree-holder in a mufussal Court really begin after the decree has been obtained. There is some truth in this ; but that is due perhaps to certain defects in the procedure. I give one instance. A mortgagee obtains an *ex-parte* decree against his debtor. The usual period of grace for repayment elapses. The decree is made absolute and the judgment-debtor's right of redemption is foreclosed. The properties are put up to auction after all the preliminary formalities have been observed, viz., notices served and advertisements published in the local newspapers. On the day of auction the judgment-debtor appears in Court and files a petition saying that no summons or notice had been served on him and the decree had been fraudulently obtained, that he accidentally came to Court on other business that day and became aware of it. The Court at once takes action, postpones the sale and draws up a proceeding and even takes evidence beginning with the service of summons. The peon who had served the summons about two years back is cross-examined at great length and his discrepancy about the position or size of the house in which the dependant lives leads the Court to set aside the decree and a fresh suit is ordered. I admit, My Lord, that this sort of practice calls for a remedy. If compulsory publication in the local newspapers is enforced at the expense of the decree-holder why is not a copy of such newspaper sent by registered post to the judgment debtor and such posting taken as amounting to service to prevent him from raising any objection in future ? This is one instance, but there are various causes which necessitate loss of time and money in the mufassal Courts. Their jurisdiction spreads over a much larger area than that of Calcutta, and the Courts have to dispose of various miscellaneous proceedings in addition to the hearing of cases. Defective means of communication, want of efficiency of the ministerial staff and other factors also combine to make litigation in the mufassal more dilatory and expensive than they should otherwise be.

Turning to the procedure in the High Court, every critic will admit that the cost of administration suits, partition suits and account suits are ruinous to the parties and some such instances have been cited by the Hon'ble Mover of the resolution. Some critics have gone to the extent of saying that the prestige of the High Court will be lowered if the proposed City Civil Court is established. The High Court has its best traditions about efficiency, but those are based on its administration of justice not so much in the ordinary original civil jurisdiction as in its appellate jurisdiction in civil and criminal cases and also in its original criminal jurisdiction which deals with the rights and liberties of the people. These will remain unaffected by the establishment of the City Civil Court. Cheapness does not imply want of efficiency. On the Original Side the poor litigant has to pay for innumerable fanciful items comprising fees for interviews, attendances, letters, consultations, settlement of the plaint and the written statement, perusal of the brief and various other details which are unknown in the mufassal. Is it not possible to limit the costs of attorneys in such cases whatever may be the number of letters and attendances just in the same way as costs in the mufassal courts are fixed. That will enable the litigant to prejudge the expenditure he will have to incur. That the existing state of things demands an inquiry and remedy will be admitted by the severest critic ; taking into consideration the advantages and disadvantages of the proposal and the fact that the introduction of the system at Madras has proved a success I have great pleasure

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to support the resolution. It is not true that the Hon'ble Mover who is a vakil will be satisfied, as some have suggested, if he is allowed to practise in the Original Side of the High Court. He is working for a public cause and there is nothing personal in it.

My Lord, the result of the expensive nature of litigation in the Original Side of the High Court is that many persons have to suffer wrongs at the hands of a powerful neighbour within the town of Calcutta because they have not the capacity to meet the expenses incident to the redress of such wrongs. Laws, My Lord, are no laws unless they can be brought within the reach of all by the establishment of cheap modes of obtaining relief. Those anxious to indulge in the luxuries of expensive litigation have ample opportunities to do so but the ordinary citizen should be allowed the facilities of safeguarding his properties at a reasonable expense. It is true that the costs of institution of a suit in the Original Side of the High Court are nominal. It is equally true that the subsequent costs at each stage of the suit are prohibitive and compare unfavourably with those in a mufassal Court. This recalls to my mind the Bengali maxim that fever itself does not kill; it is the shivering that kills."

The Hon'ble BABU SURENDRA NATH BANERJI said :—

"My Lord, in this matter unfortunately I find myself in disagreement with honoured friends and trusted colleagues with whom I am accustomed to act inside this Chamber and outside of it, but a public man is not worth his name if he is not able to act up to his convictions and at times cut asunder the bonds of friendship on the altar of public duty. My Lord, reference has been made by my hon'ble friend on my left* to the controversy between the branch of the profession to which he belongs and the other branch of the profession represented by the Hon'ble Mr. Chakravarti. My Lord, I do hope and trust that in this Council Chamber we shall be in a position to approach the consideration of this case in the colourless atmosphere of pure reason untramelled by the passions and prejudices which a somewhat heated controversy is apt to engender. No matter what our particular avocations may be or the passions incidental to those avocations, we are here as the representatives of the people bound by our oaths and by the sanctity of the obligations which we owe to the public to promote the public weal according to the light that is in us. My Lord, I confess to a sense of embarrassment in having to deal with this question. In pursuance of the suggestion which was put forward by the Hon'ble the Maharajadhiraja Bahadur of Burdwan and which was accepted by this Council opinions have been collected of the different associations and they have been placed before us. What do we find? Here we have statements and counterstatements, allegations made by one Association traversed by another. Instead of light and guidance we find ourselves smothered by the dust of a heated controversy and we have to grope our way amid a Babel of conflicting tongues and divergent views. Obviously what has to be done is to appoint a committee to go into the whole matter, to examine the question thoroughly and call for fresh evidence, and then on the basis of their report this Council and the Government could deal with the proposition with some measure of assurance.

My Lord, I recently submitted a resolution in connection with the topic before us to the Secretary of the Legislative Council, but that resolution was not allowed. I presume the prestige of the Government requires that a resolution suggested by a private member should not be accepted. My hon'ble friend Nawab Shams-ul-Huda says Government keep an open mind. Government want to go thoroughly into the question. What better method could there be for the Government than to appoint a committee to go into the

* The Hon'ble Babu Surendra Nath Ray.

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whole question, to thresh out the evidence and then come forward with their report, and that report supported by the authority of the Government would command the confidence of the entire community. I am surprised, My Lord, that that course of action has not been followed and what is the result? The materials before us are very meagre and are my hon'ble friends in a position upon the basis of those materials to come to a clear and satisfactory conclusion? Public bodies have been consulted, but not all, for instance the Indian Association has not been consulted. My hon'ble friend on the left has cited the opinion of the British Indian Association as representing the middle classes. With all the respect that I feel for the British Indian Assciation and for its illustrious President who is worthy of the traditions of the princely family to which he belongs, I say that it has never been the representative of the middle class people. The Indian Association represents the voice, the vote and the judgment of the middle classes. But you have not consulted the people, and what right have you to speak on behalf of the middle class when the accepted organs of the middle class have not been consulted. Again the High Court has not been consulted. Next to the public, the High Court is the body which is the most deeply affected. Four-fifths of the cases of the High Court will be withdrawn from it, its jurisdiction will be curtailed, and it will be emasculated. Now I ask, is it not right and proper to consult the High Court in order to ascertain what the High Court has to say before you proceed to deal with it in this fashion? Let me remind Hon'ble Members of a little fact which perhaps they have forgotten. When Lord Curzon in his zeal for the partition of Bengal declined to consult the High Court, what did we do? We in the Press protested, and it was taken up by the public, and now you are going to follow a procedure which ten years ago you condemned. My Lord, let us look at the matter from another point of view. Is it conceivable that a responsible Government will take any action without consulting the High Court? And if so, is it not wise, is it not expedient that we should consult the High Court and fortify ourselves with the views of the High Court if we are in the right and correct ourselves if we are in the wrong? My Lord, the papers circulated disclose a strong division of opinion. To that division reference has been made by other speakers and I will not repeat it, but the Corporation of Calcutta seems to take up an attitude which must commend itself to all. It says try and reorganise the High Court, reform the High Court, and I believe that was the note that was struck by my hon'ble friend the Member for the Bengal Chamber of Commerce. Then if you fail, have a City Court. My Lord, those who advocate this resolution must not only prove that the High Court is expensive and dilatory in regard to a certain class of cases, but that no reform of the High Court is possible so as to make the proceedings less expensive and more expeditious. My Lord, reform first, revolution afterwards. If reform is not possible, then revolution follows, but you have not tried the experiment of reform in the bosom of the High Court and how can you have recourse to the drastic remedy of a revolutionary change? In the words of the greatest of political thinkers revolution is the last resource of the thinking and the good. My Lord, in the form in which the resolution stands I am not able to accept it. Without the fullest evidence I am not prepared to acquiesce in any proposition which will emasculate the High Court. The High Court has been the palladium of our rights, our bulwark against the eccentricities of men in power. Fifteen years ago Sir Francis Maclean referring to this particular proposal sounded a note of warning, viz., if the original civil jurisdiction of the High Court is curtailed its criminal jurisdiction will necessarily be emasculated. My Lord, the numerical strength of the High Court is necessary to its position, its prestige and its dignity. A High Court will soon be established in Bihar and there will be a reduction of seven Judges and if this proposition is accepted there will be a further reduction. I contemplate the acceptance of this measure

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with a sense of alarm and anxiety. I believe it would be disastrous to the best interests of justice, and justice is the bulwark of British rule. My Lord, my hon'ble friend in the course of his speech said that we have to look at the question from the point of view of litigants. Not only so, but we have to look at the question from a higher stand point—from the point of view of the present and the future political progress of the Indian people. My friend will remember the important part which the great Tribunals of Justice have played in the achievement of British constitutional freedom. I have before my mind's eye a great case and a great verdict. If we aspire to that standard of freedom we must see to it that we do not impair any of those safeguards which are essentially necessary for its attainment. My Lord, there is another fact which my hon'ble friends must bear in mind. We are in critical times, the official atmosphere is surcharged with the spirit of repression, and it is most inopportune, it is unpatriotic, at a time like this to do aught which is calculated to impair the dignity, the prestige and the efficiency of the great Tribunal which has been in the past, and which will if maintained in tact, continue to be in the future, the bulwark of freedom and of constitutional rights.

I therefore cannot persuade myself to accept the resolution, and I do trust that Government will appoint a committee to thoroughly go into the matter and submit their report to Government, to form the basis of its action.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, after the statement made by the Hon'ble Nawab Syed Shamsul-Huda, one cannot usefully take up the time of the Council except to accentuate the differences of opinion that have been referred to. And I personally feel a greater difficulty than many in taking part in this debate. I am afraid I shall not be taken seriously if I tell the Council that I approach the question with an absolutely impersonal state of mind, unmindful of what may happen to the motion. As the Hon'ble Raja Hrishi Kesh Laha has ungrudgingly reminded me and the members of one of the professions to which I belong we shall have henceforth two strings instead of one to our bow; I may claim that I shall have three in the Original and the Appellate Sides of the High Court as well in the City Civil Court if it comes. My opposition to the present proposal can therefore not be based on personal grounds which have been unpleasantly in evidence in connection with the question. Whatever the personal aspects of the question may be they should be given the go-by in this Council and one should approach it from other aspects. The opinions that have been collected are absolutely at variance with one another and we do not know where we stand. But one thing has been very prominently brought out and that is that all the systems spoken of require thorough overhauling, whether it be the mufassal system or the system obtaining in Calcutta. From that point of view one cannot say that the time of the Council has not been wholly wasted. We had important facts brought out in the various representations that have reached the Government from public bodies that have been consulted, and those that may be consulted hereafter will no doubt help us with further facts.

I am not prepared to say that all that is done in the Original Side of the High Court is absolutely perfect, absolutely above reproach and absolutely incapable of improvement. Reference has been made to what might be done by the High Court itself in relieving what are admitted grievances, and those who know anything of the history of the Original Side of the High Court during the past five years know how whole-heartedly the present Chief Justice, Sir Lawrence Jenkins, has thrown himself into the work, and what measure of success has been achieved. Small measures that attract little public attention have been initiated, measures like the originating summons which have curtailed the procedure and expenditure to an

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extent not yet realised by the outside public, not even by the Hon'ble Mover of the resolution, who has given this Council instances of old cases, the like of which are not happening now, and which are incapable of happening. A time was, when I joined the profession long ago, when to have an attorney's bill taxed and reduced to Rs. 80,000 was not rare. Those times have gone by, and I know of cases in which mortgage decrees have been obtained for Rs. 30,000 in which not more than Rs. 300 had been spent. I know of cases in which big realizations have been possible by the expenditure of a couple of 100 rupees. We have on the other hand cases where some of the costs must appear to be indefensible. Therefore, it is no doubt a case for investigation and reform, and that has begun. We have no right here to condemn the present machinery of the Original Side of the High Court without asking the Judges and the Chief Justice as to what has been done, and what possibilities for reforms there are.

The interests of the litigants and the public demand that the vested interests of the profession, no matter what branch, should be put aside. But whatever is done, we should be guided by facts, and facts alone and they ought to be carefully collected and analysed from all points of view. If the Original Side picture be as lurid as it has been painted there is a case for its total abolition and not for a City Court with a small jurisdiction. This Government may not be competent to institute such an inquiry but some Government should be competent and a thorough investigation would be needed. But no such case has been made out.

My Lord, the representation of a body to which I owe allegiance has been referred to by the Hon'ble Babu Mahendra Nath Ray. We both owe allegiance to that body and we are given facts which are somewhat appalling, as to what the Government makes out of Original Side litigation. A seemingly strong case has been made out in the statement contained in the representation of the Vakils' Association if the facts are wholly correct. We are told there that nearly 9 lakhs of rupees come to Government in the shape of court-fees, and by working out figures in which my hon'ble friend Mr. Ray is an absolute and undoubted past master, we have an interesting statement that whereas Original Side cases give in the way of Government court-fees seven to eight hundred rupees per suit, in the mufassal it is the delightfully low figure of Rs. 21. But this is wrong.

In the first place, the nine lakhs of rupees represent the following items :— Commission of the Accountant-General, commission on sales by the Registrar, Receiver's commission, and last, though not least, Probate and Administration duty amounting to over five lakhs, out of a total of nine lakhs. Comparison has been made between mufassal suits and Original Side suits, forgetting that we have no Original Side suits valued at less than Rs. 2,000. In the mufassal figures, the suits above the value of Rs. 1,000 is less than one per cent. and the whole of the 99 per cent. is limited to suits below Rs. 1,000, and if you go to suits of Rs. 2,000, they are less than ½ per cent. of the total number of suits. Therefore that comparison is of no use to us.

Reference has also been made in the British Indian Association representation to the landlords of Calcutta as being the best able to judge as to what should be done with regard to a matter like this, and on the strength of that among other reasons, the Vakils' Association has asked for a referendum—a thing which even Great Britain did not attempt with regard to larger issues. If Your Excellency be inclined to start a referendum, I do not know what the result will be, but tried by the logic of facts one must be somewhat surprised that out of 1,171 cases in the Original Side in 1912 only 70 related to land. Not only Calcutta land-holders but mufassal gentlemen like my friend, the Hon'ble Babu Upendra Lal Ray, who on the strength of some property he has in Calcutta, have taken upon themselves to assert facts that do not bear the test of examination. Therefore, My Lord, facts and figures unless they

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are fully collected and sifted will be of no use to us. We must have a thorough sifting enquiry into the whole question, whether the grievance appertains to the High Court, or to the mufassal courts or to any other court. Without that, we cannot come to any proper conclusion, and if, as a result of that inquiry, it be found in the end that the system requires a change or reorganisation, I undertake to support any proper measure that may be brought forward. Personal interests and personal considerations should not stand in the way of doing what is right. The Government of India after very mature deliberations, and for various special reasons, thought of a City Civil Court in Madras; but there are various safeguards there, including the safeguard of a much lower jurisdiction than is suggested here. When that matter was on the legislative anvil, the gentleman who made himself responsible for that measure, repeatedly and deliberately said that a measure like that was not to be thought of in connection with Calcutta. Sir Griffith Evans, who knew Calcutta on the Original Side and the mufassal courts as well as anyone who has ever practised in our courts, was strongly and deliberately of that opinion. What has happened since then to make us change our minds? Sir Francis Maclean, who knew the High Court much later, was equally strong in his opposition and since his time, Sir Lawrence Jenkins has introduced important measures for the relief of suitors on the Original Side, for the result of which it is our duty to wait. A *via media* has been suggested by the Calcutta Corporation and also by the National Chamber of Commerce, although the Hon'ble Mr. Mahendra Nath Ray has, with his usual suavity, appropriated that public body among his supporters. Their suggestion deserves consideration and for that purpose also special inquiry is necessary.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said:—

"My Lord, I am neither a barrister nor a vakil but a member of the lay public, always at the tender mercies of my friends—barristers and vakils of the High Court. The question raised by my hon'ble friend, Babu Surendra Nath Ray, is one which should be looked at from the point of view of the public at large and I am thankful that he has raised this question. Looking at it from that point of view, I must confess that the opinion which prevails in the community is reform of the Original Side of the High Court first, and if that fails then the question of the establishment of a City Civil Court may be taken into consideration. That is, My Lord, honestly and correctly speaking, as far as I have been able to ascertain, the opinion of the community to which I belong and that is, I believe, the opinion of the dispassionate public who have nothing to do with the so-called fight between the barristers on the one side and the vakils on the other.

My Lord, considerable stress has been laid by some Hon'ble Members on the opinion of the Corporation of Calcutta. The Corporation appointed a mixed Committee composed of Europeans and Indians, lawyers and non-lawyers, and they all went into the question very fully. Their opinion has been summarized in the report and I may read an extract from it:—

'The majority of the Committee are, however, of opinion that while every effort should be made to remove such evils as may be recognized, nothing should be done which would tend to destroy or weaken a great and valued institution. After weighing the advantages and drawbacks of each of the proposals a majority of the Committee are on the whole inclined to favour the view that a reform of the procedure at present obtaining in the Original Side of the High Court so as to make it less complicated and less costly might meet the requirements of the situation and they prefer that this expedient should be tried before the introduction of such an innovation as the establishment of a separate and inferior tribunal.'

My Lord, the Corporation, if I may be permitted to say so, is the representative of all interests in the town of Calcutta and its report represents

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the collective wisdom of Calcutta and I do not think, My Lord, that anyone here, whether belonging to the barrister community or to the vakil community, would dispute the opinion which has been dispassionately arrived at by the committee after full inquiry, as far as it lay within their powers. My Lord, although I lay considerable stress on the report of the Corporation, at the same time I fully endorse what has fallen from the Hon'ble Babu Surendra Nath Banerji and the Hon'ble Dr. Sarbadhikari as to the necessity for the appointment of a commission to consider this vital and important question. My Lord, I may submit that the opinion which the Corporation of Calcutta and other public bodies may collect is confined only to a comparatively small body and in their case the views of one section might dominate over the views of the other section. But, My Lord, a commission or a committee appointed by Government will take such evidence and will embrace the public at large and the committee will be able to ascertain very fully and very correctly the views of the public at large. Therefore I think that that is the correct course which should be followed on the present occasion.

My Lord, I am surprised to hear that while some public bodies have been consulted, the Indian Association, of which my hon'ble friend Hon'ble Babu Surendra Nath Banerji is a member, has not been consulted. Perhaps it has been an accidental omission; but at the same time I do not agree with him, and I must say that I controvert his statement that the British Indian Association never represents the popular view of the middle class community. Where was the Indian Association which came into existence in the middle of the seventees and which was ushered into existence by the help of the leading spirits of the British Indian Association and who belonged to the middle class, when on that celebrated night at the Albert Hall, the Hon'ble Mr. Banerji delivered his impassioned eloquence. My Lord, it is not correct to say that the British Indian Association does not represent the popular views or the opinions of the middle class community. I, therefore, emphatically resent the insinuation made by the Hon'ble Member."

The Hon'ble BABU SURENDRA NATH BANERJI, interrupting, said :—

"May I rise to remove a misapprehension? I said that the Indian Association is more, in an empathic sense, representative of the middle class community than the British Indian Association which is an association of landlords. I stick to that position, I do not desire to go back on it or modify it."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR, continuing, said :—

"My Lord, this is not the place nor the time to quarrel about this question. The British Indian Association does not merely represent the landlords, but is an association representative of all classes of the community. If the rolls of the Association be examined, and I speak from personal knowledge having been closely associated with it for two generations, at most from its foundation, it will be found that the middle class community from which my friend has sprung, has been its prop since days gone by, but what I think in this connection necessary to point out is this. There is a widespread feeling, a feeling universally shared, that the cost of litigation in the High Court is prohibitive to the poor man, and Government as the protector of the rich and poor alike, ought to take up this question, and it can best be threshed out by a committee. No resolution passed in this Council even by a majority of the non-official members would be acceptable to the community as would the decision of a committee such as I have pictured, who will examine all the facts and figures and evidence of the public.

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exist as Judges merely by accident, and it is often the turn up of a die, in the gambling freaks of fortune, whether a briefless barrister will figure in an Insolvency Court or adorn a seat on a High Court Bench.

My Lord, I have spent some time in discussing the question of efficiency, because people have a mistaken idea of the quality of judicial work in the High Court. I notice that the question of efficiency of the justice administered in the Original Side is the main prop in the arguments of those in opposition to the resolution and I thought it my duty to try to remove a popular fallacy. I repeat that it is a very big assumption to make to argue that because a Judge happens to be a Judge of a High Court, the justice he will administer will be more efficient than that administered by Judges outside the Mahratta Ditch.

My Lord, the Hon'ble Mr. Surendra Nath Banerji has referred to the High Court as the palladium of justice and the bulwark of our liberties! These are no doubt very fine phrases but as is usual with rhetorical platitudes, they are full of fallacy and fiction. I do not wish to discuss whether the High Court is the same palladium, which it had been in days of yore, but the question of its being the bulwark of our liberties depends very much on the personal equation of the Judge who decides a particular case. If it is a convicting Judge, off go your liberties like chaff before the whirlwind.

My friend was referring to a certain recent case which he has not mentioned. My Lord, that case was decided not on the Original Side of the High Court but by the Special Tribunal, and my friend can comfort himself with that."

The Hon'ble MR. B. K. CHAKRAVARTI, interrupting, said :—

"I must correct that error. The Special Bench which is constituted by the Act is a part of the High Court.

The Hon'ble MAULVI A. K. FAZ-UL-HAQ said :—

"My Lord, the vakils have no part in the Court. Whether it is a part of the High Court or not the Special Tribunal will not be touched by the establishment of a City Civil Court.

The fact of the matter is that the real bulwark of our liberties lies not so much in the strong walls of the judicial conscience of a High Court Judge, but in the justness of the laws which the Judges are called upon to administer. If the laws are defective, not even the sturdiest Judge can protect us from petty oppression and tyranny at the hands of a strong and irresponsible Executive Government. Fortunately, however, we are not called upon to discuss whether the High Court is or is not what the fondest fancies of the Hon'ble Mr. Banerji can conceive it to be. The question is absolutely irrelevant to the matter under discussion. The proposed City Civil Court is meant to be a very unostentatious tribunal and cannot by any stretch of imagination touch either the palladium of justice or the bulwark of the liberties of the Indian people.

My Lord, I now pass to the consideration of the question of expeditiousness in the disposal of cases.

I do not think it will cause any surprise in this Council when I say that dilatoriness is not the monopoly of mufassal courts ; we have had instances enough even in the High Court where the laws delays have been generally a matter of public comment and much adverse criticism. Indeed trials by Munsifs are sometimes defective because they have to deal with more cases than they can humanly cope with. Then, My Lord, I come to the question of costs and here I dare say I stand on much firmer ground. The Hon'ble Sir

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S. P. Sinha has himself admitted that that is the only argument that my learned friend has got in support of his resolution. That is a very large admission if it is admitted that the cost of litigation on the Original Side is not merely great, but absolutely prohibitive and ruinous to the litigant then of course the Hon'ble Mover has got the sure help of this Council.

With these remarks, My Lord, I strongly support the resolution.

HIS EXCELLENCY THE PRESIDENT said:—

"Before calling on the Mover of the Resolution for a reply I should like to say a few words with reference to what has been said by the Hon'ble Mr. Surendra Nath Banerji. The Hon'ble Mr. Banerji has complained of the conduct of either the Government or the Secretary to the Council in not putting on the Agenda paper a resolution which he wished to move dealing with the topic now before us. I know that my hon'ble friend is a very busy man and I therefore suppose that he had not read very carefully the letter sent to him by Mr. Watson, the Secretary to the House. If the Hon'ble Mr. Banerji had read it carefully, he would have found that I regretted very much that I was unable to accept his resolution for very definite reasons. There were two things in my mind when I found myself unable to accept that resolution. One was the honour and reputation of this House not only in the minds of the people of Bengal but outside Bengal. The other was a somewhat more selfish view, as I did not wish to be deprived of hearing the eloquent speech of my hon'ble friend (Mr. Banerji). At the meeting of the 14th December last, I myself ruled that the Hon'ble Mr. Surendra Nath Ray's resolution was to be brought up again and discussed at the end of this session. It would have been impossible for me to set that ruling aside without holding up this Council to some ridicule. That was one reason why I had to refuse the Hon'ble Mr. Banerji's resolution. The other reason was that if it had appeared in the Agenda paper and the Hon'ble Babu Surendra Nath Ray had withdrawn his resolution, rule 26 of our Resolutions Rules would have come in as a bar; for it is not yet one year since Mr. Ray's resolution was first discussed in this Council, and therefore any resolution raising substantially the same topic cannot in the interim be discussed. Thus I should have had to rule out the Hon'ble Member's resolution in any case and I would not have had the opportunity of hearing the eloquent speech that I have heard from him to-day. In view of the remarks that have fallen from the Hon'ble Member, I think it right to say that these are the reasons why Government, or rather I myself, could not accept the Hon'ble Mr. Banerji's resolution."

The Hon'ble BABU SURENDRA NATH RAY said:—

"My Lord, the time allowed to me to reply is only 15 minutes. I am sorry that, I shall not be able within this limited time to give reply to all the points raised over this question of the establishment of a City Civil Court for Calcutta. I shall try to touch only a few salient points.

My hon'ble friend Sir Satyendra Sinha in opposing my resolution said that it remained for me, a representative of the mufassal municipalities, to take up the cause in which the poor litigants of Calcutta are interested and that the Calcutta public had not so far expressed their opinion. My Lord, I took up the subject because I thought that justice was on my side. Thanks, however, to the intervention of our esteemed and hon'ble friend the Maharajadhiraj Bahadur of Burdwan who suggested that public opinion should be invited by your Lordship's Government on the subject the Calcutta Corporation, that body representing the Calcutta public, consisting of Hindus, Muhammadans, Parsees, Jews, Armenians, Europeans and Anglo-Indians, all residents

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of Calcutta also the representatives of the Bengal Chamber of Commerce and Trades' Association in that body, in fact representing all interests in Calcutta, have unmistakeably and in no uncertain terms given expression to their views. That body endorses my views and complains of the expensive costs and dilatoriness of the proceedings of the Original Side of the High Court. A perusal of the proceedings of the Calcutta Corporation shews that the leading Commissioners have unanimously complained that justice was denied to the poor people, that there was a crying demand for a separate tribunal where poor people and persons of limited means might obtain justice at a modarate cost. The Hon'ble Raja Hrishikesh Laha, one of the richest and most influential landlords of Bengal, himself a resident of Calcutta, owning large properties both in Calcutta and the mufassal and having experience of litigation both in the Original Side of the High Court and the mufassal Courts in his able note before the Select Committee of the Calcutta Corporation has practically supported my proposal and has clearly shewn that the Original Side of the High Court is neither cheap nor expeditious and that the Mufussal Courts are not inefficient. If the resolution of the Calcutta Corporation with reference to my proposal be properly interpreted, it means that the proposed City Court should have a High Court Judge to preside over it, failing which my recommendation is to be accepted in toto. I humbly submit that it goes further than my resolution. Your Lordship has also heard what my hon'ble friend Raja Dinendra Narayan Ray, the representative of the Calcutta Corporation in your Lordship's Council, has stated to-day in this Council with reference to my resolution and in what terms he has supported it. The Bengal National Chamber of Commerce which represents the Indian mercantile community of Calcutta has also to a large extent endorsed the opinion of the Calcutta Corporation and has advocated radical reform in the Original Side of the High Court. The British Indian Association representing the landlords of Bengal—the association of those who are in a position to speak with authority on my proposal—in their letter to Your Lordship's Government state 'my Committee therefore welcome the proposal put forward by the Hon'ble Babu Surendra Nath Ray a much needed reform which this Association has consistently advocated during the past 30 years.' The Moslem League as representing the views of the Muhammadan Community has supported me. My hon'ble friend Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, has by his able speech given unqualified support to my proposal.

Sir Satyendra Prasanna Sinha in opposing my resolution said that the administration of justice must fulfil certain requisities, that it must be efficient, it must be expeditious and it must so far as is possible be economical and if the administration of justice on the Original Side of the High Court fails in any one of these particulars it has failed as a system of administration of justice. I have never questioned the efficiency of the High Court. But what I say is that the mufassal Courts are not inefficient and are cheap and also expeditious.

The opinions of public bodies and public men, as well as the opinion of those dispensing justice on the Original Side of the High Court and figures given in the Administration Reports of Government showing the disposal of contested suits both in the Original Side of the High Court and the mufassal Courts, show that the High Court is neither economical nor expeditious, that it is not the poor man's Court.

Within the last few months two applications were made on the Original Side of the High Court before Mr. Justice Chaudhury (1) for the transfer of an ejectment case from the Calcutta Small Cause Court to the High Court in its Original Side and the other from the Court at Arrah, known as the Domraon Raj case to the same Court. Petitions for transfer in both the cases were rejected on the ground of heaviness of cost and dilatoriness of proceedings. In the former case, Mr. Justice Chaudhury said: 'I am free to confess that the atmosphere of this Court has often the knack of converting a simple

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question into one of considerable magnitude involving much discussion and anxious consideration, but I am not prepared in this instance to give the applicant the chance of engaging our attention' In the Domraon Raj case the same learned Judge said, 'the costs of a litigation of this character in this Court are likely to be very heavy. The costs of translation alone would amount to a fairly large sum and so far as I know, the inspection of documents in the mufassal do not cost anything like what they cost in this Court. It may be said that the inspection of documents are more effective in this Court than in the mufassal. At any rate let us hope so. But it is a somewhat expensive matter and I am not certain that by transfering the case to this Court the costs of the parties would not be largely added.'

It has been said that if there had been anything to camplain of regarding the Original Side of the High Court, the Bengal Chamber of Commerce would have been the first to raise its voice. But I ask in all seriousness, to the members of the Bengal Chamber of Commerce whose President and Vice-President are on this Council, if the Original Side of the High Court was cheap and expeditious, and efficient what made them constitute an Arbitration Tribunal of their own for the disposal of their own cases. To them, as has been justly said, in the question of the establishment of a City Civil Court for Calcutta is of academic interest. The poor suitors of Calcutta want to have a cheap tribunal of their own for the redress of their wrongs. Why grudge them this boon? The European mercantile community and the trading bodies of Calcutta can hardly be said to be in touch with the owners of small landed proprieties in Calcutta who would be benefited materially by the proposed Court.

It has been said that the Press of Calcutta has never raised its voice against the heavy cost and dilatoriness of the Original Side of the High Court, nor has it advocated the establishment of a City Court for Calcutta. Since the subject has been before this Council, various articles have appeared in some of the leading newspapers of this Presidency both Indian and Anglo-Indian, generally in support of my proposal. The *Bangabasi* in a series of articles supported my proposal. The *Capital* and the *Englishman* have been advocating the establishment of a City Court for Calcutta at least since the year 1912. The *Indian Mirror* the *Musalman*, the *Nayak* the *Hitabadi* and other vernacular papers have also supported my proposal.

It has been urged in opposition to my resolution for the establishment of a cheap machinery for poor suitors where the dual system of solicitors and counsel should be done away with, and where barristers, vakils and solicitors will have the equal right of audience, that in mufassal Courts junior pleaders are engaged to assist senior pleaders. That may be so, but what of those who cannot afford to pay for both a senior and a junior pleader, who can only afford to have their work done by a junior pleader. A great deal has been said by my friends, the members of the Bar, how the dual system of having both a counsel and a solicitor in a case is necessary, that it is the basis of the English judicial system which is the best in the world. I think the members of the Bar are aware of the fact that the jurisdiction of the County Courts in England has been gradually extended, that these courts can try suits up to Rs. 7,500 of the following nature, viz., (*a*) account or administration, (*b*) trusts, (*c*) foreclosure or redemption, (*d*) specific performance, (*e*) under the Trustees Relief Acts and other cognate Acts, (*f*) to maintenance and advancement of infants, (*g*) dissolution or winding up of partnership and (*h*) relief against fraud or mistake. The County Courts have also jurisdiction to deal with cases where the value of lands, tenements or the rent payable in respect thereof does not exceed £100 per annum, *i.e.*, property worth Rs. 30,000 taking the value at 20 times the annual rental. The dual system of having both a counsel and a solicitor is not compulsory in a case tried in a County Court—a solicitor can act and plead. And there is now a

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County Court for the City of London. How, after this, my friends can oppose the establishment of a County Court or a City Civil Court or whatever name you may choose to give it for Calcutta and quote Lord Halsbury and others to prove the necessity for the appointment in all cases of both a solicitor and a counsel for the perpetuating of the dual system, I for my part fail to see. There is nothing within the charmed circle of the Mahratta Ditch which justifies the opposition to the establishment of a City Court for Calcutta. Why should not there be a gradation of Courts in Calcutta when there are such courts throughout India and also in England. My Lord, time does not permit me to reply seriatim to the arguments advanced by the Bar Association against my proposal. It is, however, curious that two separate and independent replies should have been given by the members of the Bar. I think the Vakils' Association in their letter to Your Lordship's Government have tried to meet some of the arguments, and it is for Your Lordship's Government to compare the facts and figures given by each of them, to see for yourself if the mufassal Courts are not really cheaper and more expeditious than the Original Side of the High Court.

The Bar Association have made much of the traditions of the English Bar, but I am sorry opinions differ so widely in this respect. Lord Macaulay, himself a member of the English Bar, said, 'No Mahratta invasion had ever spread through the Province such dismay as this inroad of English Lawyers; all the injustice of former oppressors, Asiatic and European appeared as a blessing compared with the justice of the Supreme Court.' This was said by Macaulay more than three quarters of a century ago. I must however say that I do not wholly share these extreme views of Lord Macaulay, but the public opinion gathered after three quarters of a century seems to justify to a great extent his remarks.

In their reply, the Bar Association quotes the following passage from the speech of Sir Griffith Evans in the Supreme Council at the passing of the Madras City Civil Court. 'The necessity for this legislation (if it is necessary) must depend on the peculiar circumstances of Madras as such a measure would in my opinion be wholly out of question for Calcutta.' It was the question of the establishment of a City Court for Madras which was then on the anvil of the Supreme Council—not the establishment of a City Court for Calcutta. What prompted him to speak then about the establishment of a City Court for Calcutta is perhaps not far to see. My friends the members of the Calcutta Bar were vigilant about their own interests from that time and Sir Griffith Evans was only their spokesman. He was not and was never recognized as a person representing popular views or even the views of the public of Calcutta.

My Lord, there is a reference in the reply of the Bar Association showing the dilatoriness of execution proceedings in mufassal Courts in which I myself was a party. I think it only fair to explain the facts and circumstances. It is no doubt a fact that I had a decree for about two lakhs of rupees against a gentleman who is a near relation of mine. Two Lieutenant-Governors, successive members of the Board of Revenue, Commissioners of the Burdwan Division and Collectors of the District of Hooghly tried to save the judgment-debtor—the scion of a most respected zamindar family of Bengal who had given all he had to save people from ruin. Courts of Justice naturally gave time whenever applications were made on his behalf either by himself or by the Court of Wards which had charge of his estate to see if the estate could be saved. I never executed my decree against him and he never opposed the execution either of my decree or the decree of any other decree-holder. It was absolutely impossible for me to execute my decree against my relation and cause his properties to be sold and hence I had to sell it at a loss of Rs. 37,000.

I have not had time to test all the details of the statements given by the various associations in their replies, but I am sorry to see that having

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got all the papers of the case before them, the Incorporated Law Society should have made such inaccurate and incorrect statements with regard to the case of Lolit Mohan Ghose and others *versus* Promotha Nath Dey and others cited by me in moving my resolution. This is the only case about which I have been able to make proper inquiries. I stated that the costs of the plaintiff was about Rs. 890. It now appears that the costs amounted to Rs. 1,980—the charges of solicitors alone being Rs. 1,083-10; in fact the costs in the Original Side amounted to more than double of what I had stated. The statement of Babu Lalit Mohan Ghose, one of the plaintiffs, shews the real state of things, the out-of-pocket costs alone amounted to nearly Rs. 860.

My Lord, it has been insinuated that I have brought forward this resolution in the interests of the vakils of the High Court to whose rank I have the honour to belong. Your Lordship must have by this time been able to gauge the real feeling of the representatives of the different constituencies in Your Lordship's Council, of the Indian Public of Calcutta, to ascertain if the opinion is not in favour of a City Court for Calcutta, whether at least a radical reform in the Original Side of the High Court is not necessary. The simple fact that the establishment of a City Court for Calcutta may be of some advantage to the vakils while it may confer great benefit to the poor suitors of Calcutta has not deterred me from bringing forward my resolution before Your Lordship's Council.

I am really very sorry at the attitude of some of my friends in this Council who have opposed my resolution. Some of them have always been the chosen champions of the popular cause, of popular rights and privileges; they have always raised their powerful voice against the oppressor's wrong, the poor man's sufferings. They have always advocated for justice to the poor but now when a proposition is brought forward to bring justice to the door and within the means of the poor they are against the poor. But My Lord, even Homer nods.

The argument generally put forward against the establishment of the City Court for Calcutta is that the High Court will be weakened. I think the argument is fallacious. The Calcutta High Court is a chartered High Court. Its power of superintendence over the proposed City Court which will be a Court subordinate to it will be the same as it has over district courts. The power of the High Court given to it under the charter remains in tact. Sir Philip Hutchins anticipated this argument when introducing his Bill for a City Civil Court for Madras in the Supreme Council and he said, 'How the dignity or the independence of the Judges can be impaired by simply furnishing an auxiliary tribunal to relieve them of such cases as they do not think it desirable to call up for trial before themselves, has not been explained, and is, as I frequently submitted, incapable of explanation.'

There is another fact which I ought to mention. Have not there been established in Calcutta Courts such as the Land Acquisition Court and the Improvement Trust Tribunal for the trial of cases valued not only below Rs. 10,000 but even lakhs and lakhs of rupees? Is it not a fact that we owe it to our hon'ble friend Sir Satyendra Sinha as Law Member of the Governor-General's Council the insertion of the clause in the Calcutta Improvement Trust Act that a vakil should also be allowed to be the President of the Trust Tribunal? My Lord, no cry was then raised against curtailing the dignity of the High Court and plundering the ancient traditions of the dear Bar of England.

It has been suggested by some of the public bodies that we must first attempt a radical reformation of the Original Side of the High Court. But that Court is not subordinate to and is not to be dictated to by Your Lordship's Government. The only alternative left for Your Lordship's Government is to establish a separate and independent Tribunal."

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[*Division list taken.*]

A division was then taken with the following result :—

Ayes—13.

The Hon'ble Babu Surendra Nath Ray.
" " Raja Hrishikesh Laha, C.I.E.
" " Nawab Saiyid Hossam Haider Chaudhuri, Khan Bahadur.
" " Maulvi A. K. Faz-ul-Haq.
" " Babu Mahendra Nath Ray, C.I.E.
" " Rai Hari Mohan Chandra Bahadur.
" " Chaudhuri Muhammad Ismail Khan.
" " Rai Nalinaksha Basu Bahadur.
" " Babu Upendra Lal Ray.
" " Maulvi Musharraf Hussain.
" " Raja Dinendra Narayan Ray.
" " Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

Noes—10.

The Hon'ble Mr. H. J. Hilary.
" " Dr. Nilratan Sarkar.
" " Mr. Golam Hossein Cassim Ariff.
" " Babu Surendra Nath Banerji.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Raja Phoshi Kanta Acharyya Chaudhuri, Bahadur.
" " Mr. W. T. Grice.
" " Mr. E. H. Bray.
" " Mr. F. H. Stewart, C.I.E.
" " Mr. Byomkes Chakravarti.

The following Members were absent :—

The Hon'ble Mr. J. C. Twidell.
" " Mr. B. C. Mitra.
" " Col. W. R. Edwards.
" " Mr. C. H. Bompas.
" " Maulvi Mazharul Anwar Chaudhuri.
" " Rai Prasanna Kumar Ray Bahadur.
" " Sir Satyendra Prasanna Sinha, KT.
" " Maharaja Jagadindra Nath Ray.
" " Raja Mahendra Ranjan Ray Chaudhuri.
" " Nawab Bahadur of Murshidabad.
Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Maharaja Ranajit Sinha of Nashipur.
" " Mr. R. Glen.

The following Members abstained from voting :—

The Hon'ble Mr. P. C. Lyon, C.S.I.
" " Nawab Syed Shams-ul-Huda.
" " Mr. N. D. Beatson Bell, C.I.E.
" " Mr. J. G. Cumming, C.I.E.
" " Mr. J. H. Kerr, C.I.E.
" " Mr. H. L. Stephenson, C.I.E.
" " Mr. H. F. Samman.
" " Mr. H. H. Green.
" " Mr. F. A. A. Cowley.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Rai Priya Nath Mukherji Bahadur.
" " Mr. C. F. Payne.
" " Mr. W. W. Hornell.
" " Mr. F. J. Monahan.
" " Rai Radha Charan Pal Bahadur.
" " Mr. G. A. Bayley.
" " Mr. A. W. C. Chaplin.

The result of the division being Ayes 13, Noes 10, the motion was carried.

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[*President's Address.*]

The President's Address.

HIS EXCELLENCY THE PRESIDENT said :—

"The time has once again come round when not only custom but my own wish leads me to thank you for the help you have given me, and to congratulate you—not so much on what you have done in the way of legislation as on the manner in which you have done it. It was not a large programme which Government put before you—we have only passed four Acts. Each of these Acts is, I believe, for the good of Bengal. If I did not believe that, they would not have been introduced. But what, more than anything else, makes me sanguine of their usefulness is that I know that these Acts, while taking their present shape, were all subject to your criticism. No one who compares the text of the Bills which we introduced in this House with the text of the Acts which go out from it, can doubt the reality of the share which the Additional Members of my Council have in making the laws which we pass. It is, I think, only by making such a comparison that we can arrive at a true appreciation of the extent of that share. We often argue in this Chamber among ourselves. We often vote. Government sometimes refuses amendments, Government sometimes accepts them as they stand, or incorporates their spirit though in a different form. All this gives to any one who noticed it, some idea of the help which those, who are, I think, rather too apt to speak of themselves as the Opposition, give to the Executive Government. But it is only those who make the comparison which I have suggested who fully realise the nature of that help, for it is only they who can appreciate how much help is given in committee. Help in committee is too often forgotten. I think that if any one who makes that comparison will go on to make a similar comparison of the text of the Bills introduced, and with that of the Acts passed by Government in Legislative bodies in other countries, he will be surprised to find how much assistance the Governor of Bengal receives from the non-official Additional Members of his Council. The comparison certainly makes me hopeful in view of what I believe will inevitably be the tendency of political growth. But it is that comparison which makes me think you do not speak accurately when you refer to yourselves as an Opposition. It is difficult to compare things so different as the forms of Government here and in England, but I am inclined to think that the nearest, indeed the only approach to an Opposition in the English sense to be found in the Government of an Indian Presidency, is sometimes the Governor himself.

I would like to refer briefly to one incident which has not called forth much attention. Not long ago my friend and colleague, the Hon'ble Nawab Syed Shafns-ul-Huda, presided throughout a sitting of this Council. That was, I believe, the first occasion on which an Indian gentleman has occupied the President's chair in any Indian Legislative Council. I am glad that Bengal has again set an example.

Now, gentlemen, I want to thank you for the work you have done outside the Council Chamber. I know how much Hon'ble Members have striven during the anxious months since last August to render the task of Government easier. We have had our trials—not so acute certainly, as in some parts of the Empire. Still we have had trials. There has been dislocation of trade, there has been suffering caused by the difficulty of obtaining some much needed commodities, and by the absence of demand for other commodities on the sale of which men depend for livelihood. There have been rumours full of terrors to men of limited experience ; there has been the pain which comes to those who find their most sacred ideas assailed from the outside. These things might easily have led to movements which would have been regrettable and difficult to quell. I know how, in your different ways you tried to keep public opinion steady, how you contradicted foolish rumours'

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[*President's Address.*]

stopped alarm, and sympathetically guided the thoughts of your co-religionists. I thank you for all this, but I do more; I confidently ask you to go on helping Government as each of you finds he conscientiously can. In no country at no time can we expect everybody to be on the side of law and order. There will always be some people who, whatever be their motive, are anxious to upset the state of affairs which we believe is for the true good of India. It will be strange if such persons do not seize any opportunity which war may give them to make their presence felt. Many sorts of crime—not unnaturally—have shown a marked increase lately, and this is true in an especial degree of that kind of crime which as we all most sincerely deplore, is often associated, however unfairly, with the name of Bengal in the minds of people in many parts of the world. That kind of crime which is spoken of—to an undue extent I think and not always accurately—as political crime; crime which is committed by persons of a class which one would expect to be actuated by some higher motive than the mere vulgar desire for plunder. Many of you have been reluctant—I myself am very reluctant—to believe that such crime can be widespread, but it has been lately made very clear that it does exist. It is the duty of Government to repress that form of crime, and it is the duty of Government to try to remove any cause which they may think brings it about. That is the duty of Government now, and may continue to be the duty of Government, perhaps, for a long time, for it is not a duty which can be completely performed in a day. But at present it is especially and immediately the duty of Government to take precautions against any danger which may affect the essential administration or safety of the country. Hon'ble Members, I am sure, carefully weighed the remarks made in another Council lately by those responsible for the Government of the whole of India; and I am sure Hon'ble Members felt that the Government of India, believing what it tells us it does believe, only did its duty when it carried through a measure which it expects will deal efficiently with a real danger.

I have heard or read the views Hon'ble Members of this house have publicly expressed, so I know how strongly you desire to grapple with the danger. We know the nature of the measure which the Government of India has thought right to pass. We know the rules, though some of us may not as yet have mastered them, under which the Act is to be carried out, and we know that it will lie with the Local Government to administer the Act. We read what Sir Reginald Craddock definitely said about Bengal. Hon'ble Members must recognise that if I and my colleagues share in Sir Reginald's belief, it will be our duty without loss of time to consider how the provisions of this Act are to be enforced in Bengal. Gentlemen, my colleagues and I do believe that Sir Reginald Craddock had good grounds for what he said. My colleagues and I have the honour of Bengal at heart, and we shall not shrink from administering the Act wherever we think fit and I hope, gentlemen, you have enough confidence in us to believe that, in doing so, we shall steadily keep the cause of justice before us.

Gentlemen, you have, I am glad to say, shown your interest in many things. No Hon'ble Member can, I think, complain that in the Budget discussion, he had not full scope to refer to all he wished to refer to. Two points were raised yesterday to which I would like briefly to refer. My hon'ble friend, the Hon'ble Babu Surendra Nath Banerji, complained of the publication of the Report of the Administration Committee. The publication of that report was largely due to myself. So if my hon'ble friend wants to blame any one he must blame me. I could easily have delayed, I might perhaps have forbidden the publication: instead, I urged that the report should be published. And, gentlemen, I am unrepentant. I knew perfectly well that some of my friends in Bengal would have as little pleasure in reading that report as some other of my friends have in reading the articles which appear from day to day in certain journals in which also reference is occasionally made to controversies which belong to the past. I may have

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[*President's Address.*]

made a mistake, and I shall not complain if any one tells me that he thinks I have made a mistake. As a Governor with no previous experience of India I may perhaps make mistakes more easily than any member of my Council would. But I would like to say in my defence that I have only two years of office left, little enough time in which to do anything—in any case, too little to do more than a very small portion of what I should like to do. When I advocated the publishing of that report I hoped to save time. I wanted to let the people concerned know exactly what advice was given to me, so that they might, if they chose, tell me in what way the advice seemed to them wrong. There are many people in Bengal who have not as many opportunities of personally enlightening me as the Hon'ble Member has, and I assure him that the publication of this report did give to some of these people the chance, which I am sure he does not grudge to them, and of which they have freely availed themselves of putting their views clearly before me.

The other point to which I wish to refer is the police—to that also my hon'ble friend particularly drew our attention. My colleagues and I are thoroughly alive to the criticisms to which the Hon'ble Member referred. To Government more than to any one it is of advantage that there should be confidence between the police and the public. I know that the present state of affairs satisfies no one. I know that the police themselves are not content with it. I know that there are Europeans, and that there are Indians, who alike are indignant with the police on grounds which, if they are true, amply warrant indignation. But I know that many men with ampler experience than I have, say that things are improving. Some of you said so yourselves yesterday—I know how easy it is to exaggerate. I know that grave charges have been repeated to me which I found on investigation were only based on rumours and could not be substantiated. I know, too, that there are Europeans and that there are Indians who by no means think the police perfect, but who recognise the bravery and the devotion which has been shown by individual Indian police officers. I feel proud myself—I think no one who cares for Bengal can help being proud—of the way in which some of our police officers have knowingly taken their lives in their hands, and have done their duty without shrinking from consequences which they felt were almost certain to be fatal. These men have given the lie in no uncertain way to the accusation that the Bengali is a coward.

For the honour of Bengal it is most desirable that better relations between the police and the public should prevail, and that the police should come to be looked on as a real force on the side of justice. But all I want to say just now is that I intend, and my colleagues intend, to do our best to speed up such improvement as is taking place, and to bring about any further changes which seem likely to do good. We have already taken one step which we believe will help us in dealing rightly with this difficult question, and which will, I hope, when it comes to be known be looked on as an earnest of our genuine determination to try to find a right solution.

Adjournment.

Now gentlemen, I must ask you to forgive me for having kept you so long, and I declare the Council adjourned *sine die*."

A. W. WATSON,

Secy. to the Government of Bengal
and Secy. to the Bengal Legislative Council.

CALCUTTA.
The 28th April, 1915.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, JANUARY 27, 1915.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 12th January, 1915, and is hereby promulgated for general information :—

ACT No. 1 OF 1915.

An Act to continue in force the provisions of certain Ordinances.

24 & 25 Vict., c. 67.

WHEREAS the Ordinances mentioned in the Schedule are temporary in their duration and in virtue of section 23 of the Indian Councils Act, 1861, are limited to expire within the period of six months from their promulgation; and,

Whereas owing to the state of war existing between His Majesty the King Emperor and certain foreign Powers it is expedient to provide for the continuance as in this Act mentioned of the provisions contained in those Ordinances, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Emergency Legislation Continuance Act, 1915.

Continuance of provisions of Ordinances in Schedule.

2. The provisions of the Ordinances mentioned in the Schedule shall have effect as if they had been enacted by the Governor General in Council and shall be in force during the continuance of the present war and for a period of six months thereafter :

Provided that the Governor General in Council may by notification in the Gazette of India direct that any provision in any of the said Ordinances shall cease to be in force at any earlier date which may be specified in such notification.

SCHEDULE.

(See section 2.)

Ordinances made by the Governor General of India under section 23 of the Indian Councils Act, 1861.

Year.	Number.	Short title.
1914	I	The Indian Naval and Military News (Emergency) Ordinance, 1914.
„	II	The Impressment of Vessels Ordinance, 1914.
„	III	The Foreigners Ordinance, 1914.
„	IV	The Indian Volunteers Ordinance, 1914.
„	V	The Ingress into India Ordinance, 1914.
„	VI	The Commercial Intercourse with Enemies Ordinance, 1914.
„	VII	The Foreigners (Amendment) Ordinance, 1914.
„	VIII	The Foreigners (Further Amendment) Ordinance, 1914.
„	IX	The Articles of Commerce Ordinance, 1914.

STATEMENT OF OBJECTS AND REASONS.

THE outbreak of the present war necessitated certain special legislation to meet the emergency created thereby. Action was taken by Ordinances under section 23 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67).

2. The Ordinances made in exercise of the power referred to are limited in duration to a period of six months. The present state of affairs requires that the duration of this emergent legislation should be prolonged. Accordingly the present Bill continues for the period of the war and for a period of six months thereafter the provisions of the Ordinances made since the outbreak of war.

3. It is clear that the actual cessation of hostilities will not coincide precisely with the disappearance of the conditions that led to the special legislation. In order to meet this point the Act, if the Bill becomes law, will continue to be in force for a definite period of six months after the termination of the war. Power is however reserved to the Governor General in Council to direct by notification that any provisions of the Ordinances may be declared to cease to be in force at any earlier date.

The 11th January, 1915.

SYED ALI IMAM.

W. H. VINCENT,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 31, 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 17th March, 1915, and is hereby promulgated for general information :—

ACT NO. III OF 1915.

An Act to amend the Foreigners Act, 1864.

WHEREAS it is expedient to amend the Foreigners Act, 1864; It is hereby enacted as follows :—

III of 1864.

1. This Act may be called the Foreigners (Amendment) Act, 1915.

Short title.

III of 1864.

2. In section 1 of the Foreigners Act, 1864, for the words "not being either a natural born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV, chapter 85, section 81, or a Native of British India" the following words shall be substituted, namely :—

Amendment of section 1 of Act III of 1864.

"(*a*) who is not a natural born British subject as defined in sub-sections (*1*) and (*2*) of section 1 of the British Nationality and Status of Aliens Act, 1914, or

4 and 5 Geo. V, c. 17.

(*b*) who has not been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India :

Provided that any British subject who, under any law for the time being in force in British India, ceases to be a British subject, shall thereupon be deemed to be a foreigner."

III of 1864, **3.** After section 3 of the Foreigners Act, 1864, the following section shall be inserted, namely :—

Insertion of new section 3A, Act III of 1864.

"3A (*1*). Whenever in a Presidency town the Commissioner of Police, or elsewhere the Magistrate of the District, considers that the Local Government should be moved to issue an order under section 3 in respect of any foreigner who is within the limits of such Presidency town or of the jurisdiction of such Magistrate, he may report the case to the Local Government and at the same time issue a warrant for the apprehension of such foreigner.

Foreigner may be apprehended and detained pending order of removal.

(*2*) Any officer issuing a warrant under sub-section (*1*) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(*3*) Any person executing a warrant under sub-section (*1*) may search for and apprehend the foreigner named in such warrant ; and, subject to any direction issued under sub-section (*2*), shall forthwith cause such foreigner when apprehended to be produced before the officer issuing the warrant.

(*4*) When a foreigner for whose apprehension a warrant has been issued under sub-section (*1*) is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the Local Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(*5*) Any officer who has in accordance with the provisions of sub-section (*4*), ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Local Government. On the receipt of a report under this sub-section the Local Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 3.

W. H. VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Gover nor General on the 19th March, 1915, and is hereby promulgated for general information :—

ACT No. IV OF 1915.

An Act to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences.

WHEREAS owing to the existing state of war it is expedient to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Defence of India (Criminal Law Amendment) Act, 1915.

Short title, extent and duration.

(*2*) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas and the district of Angul.

(*3*) This section and section 2 shall come into operation at once. The Governor General in Council may, by notification in the Gazette of India, direct that the rest of the Act shall come into operation in any province or part thereof on such date as may be specified in such notification.

(*4*) This Act shall be in force during the continuance of the present war and for a period of six months thereafter :

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it and any person convicted under this Act may be punished as if it had continued in force, and all prosecutions and other legal proceedings pending under this Act at the time of the expiration thereof may be completed and carried into effect, and the sentences carried into execution as if this Act had not expired.

2. (*1*) The Governor General in Council may make rules for the purpose of securing the public safety and the defence of British India and as to the powers and duties of public servants and other persons in furtherance of that purpose.

Power to make rules.

In particular and without prejudice to the generality of the foregoing power, rules under this section may be made—

(*a*) to prevent persons communicating with the enemy or obtaining information which may be used for that purpose ;

(*b*) to secure the safety of His Majesty's forces and ships and to prevent the prosecution of any purpose likely to jeopardise the success of the operations of His Majesty's forces or the forces of His Allies or to assist the enemy ;

(*c*) to prevent the spread of false reports or reports likely to cause disaffection or alarm or to prejudice His Majesty's relations with Foreign Powers or to promote feelings of enmity and hatred between different classes of His Majesty's subjects ;

(*d*) to empower any civil or military authority to issue such orders and take such measures as may be necessary to secure the safety of railways, ports, dockyards, telegraphs, post offices, works for the supply of gas, electric light or water, sources of water-supply, all means of communication and any areas which may be notified by such civil or military authority, as areas which it is necessary to safeguard in the public interest ;

(*e*) to enable any naval or military authority to take possession of any property, moveable or immoveable, for naval or military purposes, and to issue such orders and do such acts in respect of any property as may be necessary to secure the public safety or the defence of British India or any part thereof ;

(*f*) to empower any civil or military authority where, in the opinion of such authority, there are reasonable grounds for suspecting that any person has acted, is acting or is about to act in a manner prejudicial to the public safety, to direct that such person shall not enter, reside or remain in any area specified in writing by such authority, or that such person shall reside and remain in any area so specified, or that he shall conduct himself in such manner or abstain from such acts, or take such order with any property in his possession or under his control, as such authority may direct ;

(*g*) to prohibit or regulate the possession of explosives, inflammable substances, arms and all other munitions of war ;

(*h*) to prohibit anything likely to prejudice the training or discipline of His Majesty's forces and to prevent any attempt to tamper with the loyalty of persons in the service of His Majesty or to dissuade persons from entering the military or police service of His Majesty ;

(*i*) to empower any civil or military authority to enter and search any place if such authority has reason to believe that such place is being used for any purpose prejudicial to the public safety or to the defence of British India and to seize anything found there which he has reason to believe is being used for any such purpose ;

(*j*) to provide for the arrest of persons contravening or reasonably suspected of contravening any rule made under this section and prescribing the duties of public servants and other persons in regard to such arrests ;

(*k*) to prescribe the duties of public servants and other persons as to preventing any contravention of rules made under this section and to prohibit any attempt to screen persons contravening any such rule from punishment ; and

(*l*) otherwise to prevent assistance being given to the enemy or the successful prosecution of the war being endangered.

(*2*) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both, or if the intention of the person so contravening any such rule or order is to assist the King's enemies or to wage war against the King, may provide that such contravention shall be punishable with death, transportation for life or imprisonment for a term which may extend to ten years, to any of which punishments fine may be added.

(*3*) All rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted in this Act.

Power of Local Government to direct accused person to be tried by Commissioners.

3. (*1*) The Local Government may by order in writing direct that any person accused of anything which is an offence in virtue of any rule made under section 2, or accused of any offence punishable with death, transportation or imprisonment for a term which may extend to seven years, or of criminal conspiracy to commit, or of abetting, or of attempting to commit or abet any such offence shall be tried by Commissioners appointed under this Act.

(*2*) Orders under sub-section (*1*) may be made in respect of all persons accused of any offence referred to in that sub-section, or in respect of any class of person so accused, or in respect of persons or classes of persons accused of any particular offence therein referred to or accused of any class of such offences.

(*3*) No order under sub-section (*1*) shall be made in respect of or be deemed to include any person who has been committed under the Code of Criminal Procedure, 1898, for trial before a High Court, or in whose case an order for trial has been made under section 6 of the Indian Criminal Law Amendment Act, 1908, but, save as aforesaid, an order under that sub-section may be made in respect of or may include any person accused of any offence referred to therein whether such offence was committed before or after the commencement of this Act. Act V of 1898. XIV of

Appointment and qualifications of Commissioners.

4. (*1*) Commissioners for the trial of persons under this Act shall be appointed by the Local Government.

(*2*) Such Commissioners may be appointed for the whole province or any part thereof or for the trial of any particular accused person or class of accused persons.

(*3*) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or are persons qualified under section 2 of the Indian High Courts Act, 1861, for appointment as Judges of a High Court or are advocates of a Chief Court or pleaders of ten years' standing. 24 and 25 Vict., c

Procedure of Commissioners.

5. (*1*) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and, in trying accused persons, shall, subject to any rules made by the Local Government in this behalf, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by magistrates : Act V of 1898.

Provided that such Commissioners shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice.

(*2*) In the event of any difference of opinion between the Commissioners the opinion of the majority shall prevail.

Powers of Commissioners.

6. (*1*) The judgment of Commissioners appointed under the Act shall be final and conclusive and such Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted and no order of confirmation shall be necessary in the case of any sentence passed by them.

(*2*) If in any trial under this Act it is proved that the accused person has committed any offence whether referred to in section 3 or in any order under that section or not, the Commissioners may convict such accused person of such offence and pass any sentence authorised by law for the punishment thereof.

Act V of 1898.

7. The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure prescribed by or under this Act, shall not apply to the proceedings of Commissioners appointed under this Act, but save as otherwise provided, that Code shall apply to such proceedings and the Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

Application of Criminal Procedure Code subject to modifications to proceedings under this Act.

Act V of 1898.

8. (*1*) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of Commissioners appointed under this Act, and no Court shall have authority to revise any such order or sentence, or to transfer any case from such Commissioners, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings under this Act.

Exclusion of interference of other criminal courts.

Act V of 1898.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect the power of the Governor General in Council or the Local Government to make orders under section 401 or 402 of the Code of Criminal Procedure, 1898, in respect of persons sentenced by Commissioners under this Act.

Act V of 1898.

9. Notwithstanding anything contained in the Indian Evidence Act 1872, where the statement of any person has been recorded by a Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interest of the accused.

I of 1872.

Special rule of evidence.

10. The Local Government may, by notification in the local official Gazette, make rules providing for—

Rule-making powers of Local Government.

(*i*) the times and places at which Commissioners appointed under this Act may sit;

(*ii*) the procedure of such Commissioners including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;

(*iii*) the manner in which prosecutions before such Commissioners shall be conducted, and the appointment and powers of persons conducting such prosecutions;

(*iv*) the execution of sentences passed by such Commissioners;

(*v*) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (*1*) of section 3, and for the transmission of records to the Commissioners; and

(*vi*) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners.

11. No order under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Savings.

STATEMENT OF OBJECTS AND REASONS.

The existence of a state of war in which His Majesty's Government is engaged has, as in England, demonstrated the necessity of arming the executive with certain special temporary emergency powers requisite to secure the public safety and the defence of British India.

Further since the commencement of the war, there have been outbreaks of lawlessness in certain areas, the prompt punishment of which is essential in the interests of the public security.

The present Bill confers powers on the Governor General in Council to make rules to meet the first object in view while in those areas to which the special provisions may be extended, it provides for the creation of special tribunals for the more speedy trial of certain classes of offences which may be made over to them.

The Act will be only in force during the continuance of the present war and for a period of six months thereafter.

R. H. CRADDOCK.

The 16th March, 1915.

W. H. VINCENT,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 7, 1915.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd March, 1915, and is hereby promulgated for general information :—

ACT No. V OF 1915.

An Act further to amend temporarily the Indian Paper Currency Act, 1910.

WHEREAS it is temporarily expedient further to amend the Indian Paper Currency Act, 1910 ; It is hereby enacted as follows :— of 1910.

1. This Act may be called the Indian Paper Currency (Temporary Amendment) Act, 1915. Short title.

2. During the continuance of the present war and for a period of six months thereafter, section 22 of the Indian Paper Currency Act, 1910, shall be construed as if for the words "one hundred and forty millions" in that section the words "two hundred millions" were substituted. Amendment of section 22 of the Indian Paper Currency Act. II of 1910.

3. The Indian Paper Currency Amendment Ordinance, 1915, is repealed. Repeal of Ordinance I of 1915.

STATEMENT OF OBJECTS AND REASONS.

THE permanent policy in regard to the investment of the Indian Paper Currency Reserve is awaiting consideration in connection with the recommendations of the Royal Commission on Indian Finance and Currency. Meanwhile, without prejudice to the final decision, which may thus be reached, it was recently decided, as a temporary measure, to take power to increase the maximum investment of Rs. 14 crores authorised by the Indian Paper Currency Act, 1910, up to a total not exceeding Rs. 20 crores, with a view to providing for loans to the Presidency Banks should this be required for the assistance of trade in the conditions arising out of the war, or alternatively to enable Government, if necessary, to obtain additional funds for general purposes. Effect was given to this decision by the Indian Paper Currency Amendment Ordinance, 1915, which was promulgated on the 16th January last, *i.e.*, several days after the passing of the Emergency Legislation Continuance Act, 1915, which extended the operation of all Ordinances in force on the date when it was passed, namely, 12th January, 1915, during the continuance of the present war and for a period of six months thereafter. The Ordinance dealing with the Paper Currency investment is thus excluded from its scope, and a special Bill has accordingly to be introduced to secure its prolongation.

2. This Bill is in the form of an amendment to the Indian Paper Currency Act, 1910, and has the effect of conferring power on Government to increase the investment of the Paper Currency Reserve up to a maximum of Rs. 20 crores during the continuance of the present war and for a period of six months thereafter. The result produced is thus precisely the same as if the Ordinance dealing with this matter had come within the scope of the Emergency Legislation Continuance Act, 1915.

W. S. MEYER.

The 14th March, 1915.

W. H. VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd March, 1915, and is hereby promulgated for general information :—

ACT No. VI OF 1915.

An Act to extend the powers of the Governor General in Council during the continuance of the present war to make rules under the Indian Patents and Designs Act, 1911.

1. (*1*) This Act may be called the Indian Patents and Designs (Temporary Rules) Act, 1915.

Short title, extent, etc.

(*2*) It extends to the whole of British India including British Baluchistan and the Santhal Parganas.

(*3*) This Act and the rules made thereunder shall be in force during the continuance of the present war and for a period of six months thereafter.

2. In this Act the expression 'subject of any State at war with His Majesty' includes—

Definitions.

(*i*) any person resident and carrying on business in the territory of a State at war with His Majesty; and

(*ii*) with reference to a company, any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's dominions.

3. (*1*) The power of the Governor General in Council under section 77 of the Indian Patents and Designs Act, 1911, to make rules shall include power to make rules—

Power to make rules.

of 1911.

(*a*) for avoiding or suspending in whole or in part any patent or licence, the person entitled to the benefit of which is the subject of any State at war with His Majesty;

(*b*) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any design the proprietor whereof is a subject as aforesaid;

(*c*) for avoiding or suspending any application made by any such person under the said Act;

(*d*) for enabling the grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as may be thought fit, of licences to make, use, exercise, or vend, patented inventions and registered designs so liable to avoidance or suspension as aforesaid; and

(*e*) for extending the time within which any act or thing may be or is required to be done under the said Act.

(*2*) If the rules made under this Act so provide, the rules or any of them shall have effect from the passing of this Act.

(*3*) All rules made under this Act shall be published in the *Gazette of India*, and on such publication shall have effect as if enacted in this Act.

4. The power to make rules conferred by section 3 (*1*) (*a*) and (*d*) of this Act shall be exercisable in respect of any exclusive privilege acquired under the Inventions and Designs Act, 1888, as if such exclusive privilege had been a patent granted under the Indian Patents and Designs Act, 1911; and the power to make rules conferred by section 3 (*1*) (*e*) of this Act in respect of anything to be done under the Indian Patents and Designs Act, 1911, shall be exercisable in respect of anything to be done under the Inventions and Designs Act, 1888.

Power in case of exclusive privileges under Act V of 1888.

V of 1888.

II of 1911.

II of 1911.

V of 1888.

W. H. VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Governor General of India in Council received the assent of the Governor General on the 25th March, 1915, and is hereby promulgated for general information :—

ACT No. VIII OF 1915.

An Act further to amend the Assam Labour and Emigration Act, 1901.

WHEREAS it is expedient further to amend the Assam Labour and Emigration Act, 1901; It is hereby enacted as follows :— of 1901.

1. (*1*) This Act may be called the Assam Labour and Emigration (Amendment) Act, 1915. Short title and commencement.

(*2*) It shall come into force at once, with the exception of section 7, which shall come into force on such day as the Governor General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

2. In section 2 (*1*) of the Assam Labour and Emigration Act, 1901 (hereinafter called the said Act), the following amendments shall be made, namely :— of 1901. Amendment of section 2 (*1*), Act VI, 1901.

(*a*) After clause (*c*) the following clause shall be added, namely :—

"(*cc*) 'Board' means the Assam Labour Board constituted under Chapter VI-A."

(*b*) To clause (*e*) the following Explanation shall be added, namely :—

"*Explanation*.—If any such native of India, having proceeded from a Native State into such territories, departs therefrom for the purpose aforesaid, he shall be deemed to emigrate within the meaning of this definition."

(*c*) After clause (*n*) the following clause shall be added, namely :—

"(*nn*) 'native district', in the case of a person who, having proceeded from a Native State into territories in which this Act is in force, emigrates therefrom, includes such Native State."

(*d*) After clause (*t*) the following shall be added, namely :—

"and

(*u*) 'Supervisor' means a Supervisor appointed under this Act."

3. For sub-section (*1*) of section 64 of the said Act, the following sub-sections shall be substituted, namely :— Amendment of section 64, Act VI, 1901.

"(*1*) The Local Government may authorize any Superintendent to grant licenses to suitable persons to be Local Agents, for the purpose of representing employers within a specified area and for a specified period, in all matters connected with the supervision of garden-sardars under this Act.

(*2*) Any employer, or, on behalf of an employer, any association or firm duly authorized by general or special order of the Governor General in Council for the purpose of this clause, may apply for a license as aforesaid, to be granted to a specified person.

(*3*) Every such application shall be made to the Board, and the Board shall forward it with its recommendation to the Superintendent, who may thereupon, if he thinks fit, grant a license to such person"

and the existing sub-section (*2*) of the same section shall be renumbered (*4*)."

4. In section 67 (*1*) of the said Act there shall be substituted for the words "the employer", the words "his employer or the association or firm which has applied in respect of such Local Agent under section 64, sub-section (*2*)" and for the words from "or if" to the end of the sub-section, the following words, namely :— Amendment of section 67, Act VI, 1901.

"or if the District Magistrate is satisfied that the conduct of the Local Agent has been such as to render him unsuitable to hold a license."

5. After section 116 of the said Act the following provisions shall be inserted, namely :— Insertion of new Chapter VI-A in Act VI, 1901.

"CHAPTER VI-A.

ASSAM LABOUR BOARD.

Constitution of Assam Labour Board.

116-A. (*1*) There shall be a Board, to be called the Assam Labour Board, for the supervision of Local Agents, and of the recruitment, engagement and emigration to labour districts of natives of India under this Act.

(*2*) The Assam Labour Board shall be a body corporate, and have perpetual succession and a common seal, and may by that name sue and be sued.

(*3*) The Assam Labour Board (hereinafter called the Board) shall consist of sixteen members, including the Chairman, who shall be an officer in the service of Government, to be appointed by the Governor General in Council by notification in the *Gazette of India*. The remaining members shall be elected by the following bodies, namely :—

(*a*) eight by the Indian Tea Association, Calcutta, as representatives of that Association and of the Indian Tea Association, London;

(*b*) four by the Assam Branch, Indian Tea Association; and

(*c*) three by the Surma Valley Branch, Indian Tea Association.

(*4*) The election shall be made in such manner as may be determined by the electing bodies, subject to the approval of the Governor General in Council, and the name of every person so elected shall be published in the *Gazette of India*.

(*5*) If, within the period prescribed by rules made under this Chapter any of the aforesaid bodies fails to elect representatives or to elect the full number of representatives to which it is entitled, the Governor General in Council may nominate persons to be members of the Board as representatives of the said bodies.

(*6*) There shall be an Executive Committee of the Board, with such powers and duties as may be conferred on it by rules made under this Chapter. It shall consist of five members, of whom one shall be the Chairman of the Board, and the remaining four shall be elected in the manner prescribed by such rules, as representatives of the following bodies, namely :—

(*a*) one of the Indian Tea Association, Calcutta;

(*b*) one of the Indian Tea Association, London;

(*c*) one of the Assam Branch, Indian Tea Association; and

(*d*) one of the Surma Valley Branch, Indian Tea Association.

(*7*) No act done by the Board or by the Executive Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board or of the Executive Committee, as the case may be.

Salary of Chairman.

"116-B. (*1*) The Governor General in Council may fix the salary of the Chairman of the Board.

(*2*) Such salary shall be paid in such proportions by the Governor General in Council and the Board, as the Governor General in Council may from time to time determine.

Appointment and functions of Supervisors.

"116-C. (*1*) The Board may appoint so many persons as it thinks necessary to be Supervisors, with such powers and duties in respect of the supervision of Local Agents and the other matters mentioned in section 116-A(*1*), as may be conferred and imposed on them by rules made under this Chapter.

(*2*) Subject to the control of the Governor General in Council, the Board may fix the salary to be paid to Supervisors.

(*3*) The Local Government may, subject to the control of the Governor General in Council, declare the local area in the Province within which Supervisors shall exercise the powers and perform the duties conferred and imposed upon them by rule under this Chapter.

(*4*) Every Supervisor shall be deemed to be a public servant within the meaning of the Indian Penal Code. LV of 1

Endorsement of Local Agents' licenses.

"116-D. (*1*) Whenever the Board has reason to believe that the conduct of a Local Agent has been such as to detract from his suitability to hold a license, it may call on him to produce his license, and after hearing any cause that he may have to show to the contrary, may make such endorsement thereon as it thinks fit. A copy of every such endorsement shall be sent to the Superintendent of Emigration in the district for which the Local Agent holds a license, and a copy shall also be sent to the employer or association or firm on whose application the Local Agent's license was granted.

(*2*) If the Local Agent fails to produce his license when called upon under sub-section (*1*), he shall be punishable with fine which may extend to two hundred rupees.

Cess.

"116-E. (*1*) Subject to the provisions of rules made under this Chapter, the Board may levy a cess on employers for the purpose of meeting expenditure incurred in carrying out its functions under this Act, and in particular for the payment of the salary of Supervisors and of such proportion of the salary of the Chairman as may be determined under section 116-B.

(*2*) Such cess shall be payable on every garden-sardar deputed by his employer to engage labourers and on every person recruited or engaged as a labourer or assisted to emigrate under Chapter IV or section 91 :

Provided that the rates at which the cess is levied shall not exceed the following, namely :—

Five rupees a year on each garden-sardar so deputed, and

Five rupees on each person so recruited, engaged, or assisted to emigrate.

(*3*) On the failure of an employer for the space of one month after the receipt of a notice in such form and served in such manner as the Governor General in Council may, by rule under this Chapter, prescribe, to pay any sum due under sub-section (*1*), the same shall be recoverable from him.

"116-F. (*1*) The Governor General in Council shall, after previous publication, make rules to carry out the purposes of this Chapter.

Rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may, subject to the provisions of this Act, provide—

(*a*) for the powers to be exercised and the duties to be performed by the Board in carrying out the purposes for which it is constituted, and for the powers and duties of the Executive Committee and of the Chairman ;

(*b*) for the period within which elections to the Board must be made ; for the election of members of the Executive Committee ; and for the appointment of temporary or acting members of the Board and of the Executive Committee during the absence of any member ;

(*c*) for the times and places of meetings and procedure of the Board and of the Executive Committee ;

(*d*) for regulating the rate of the cess, the method of levying and collecting the cess, the purposes to which the cess may be applied, and the accounts to be kept and the audit thereof ; and

(*e*) for the powers and duties of Supervisors appointed under section 116-C."

6. (*1*) The following portions of the said Act, are hereby repealed, namely, section 90 ; in section 91, the words "notwithstanding anything contained in section 90," and in clause (*b*) thereof, the words "or holding permits granted and countersigned under section 90," and the words "or of that section, as the case may be ;" and clause (*a*) of section 174.

Repeal of section 90, Act VI, 1901. Consequential repeals and amendments.

(*2*) In section 92 of the said Act for the words and figures "sections 90 and 91" there shall be substituted the word and figures "section 91."

7. (*1*) The portions of the said Act specified in the Schedule to this Act are hereby repealed to the extent mentioned in the second column of the Schedule.

Repeal of Chapter III, Act VI, 1901. Consequential repeals and amendments.

(*2*) The following amendments shall be made in the said Act, namely :—

(*i*) In the heading to Chapter V, and in section 92 there shall be substituted for the words and figures "Chapters III and IV" the word and figures "Chapter IV."

(*ii*) In section 93 (*2*) there shall be substituted for the words and figures "Chapters II to IV inclusive," the words and figures "Chapter II or IV" and for the words and figures "Chapters VI to X" the words and figures "Chapters VI (except Chapter VI-A) to X".

(*iii*) For section 172 of the said Act, the following section shall be substituted, namely :—

"**172.** (*1*) Whoever, being a garden-sardar holding a certificate under Chapter IV,—

Garden-sardar making over labourers to unauthorised persons, etc.

(*a*) makes over to the garden-sardar or Local Agent of any employer other than the employer by whom his certificate was granted, or, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer or whom he has assisted or intends to assist to emigrate under Chapter IV as modified by any notification issued under section 91 ; or

(*b*) places any such person as aforesaid in a place of accommodation used in connection with the unlawful recruitment or engagement of labourers ; or

(*c*) allows any person unlawfully recruited or engaged as a labourer to share the accommodation provided by him under section 62 ;

shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and his certificate may be impounded by the convicting Magistrate.

(*2*) Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned."

THE SCHEDULE.

PORTIONS OF ACT VI OF 1901 REPEALED.

[*See section 7* (*1*).]

1	2
Chapter or Section.	Extent of repeal.
S. 2 (*1*)	Clause (*c*).
	In clause (*d*) the words "contractor, sub-contractor, recruiter".
	In clause (*l*) the words and figures "section 34 or".
	Clauses (*o*) and (*s*).
S. 12 (*1*)	Clause (*a*).
	In clause (*c*) the words from "or if the labourer" to the end of the clause.
S. 12 (*2*)	The whole.
S. 12 (*3*)	The whole.
Chapter III	The whole.
S. 65	The whole.
S. 91	Clause (*a*).
S. 163 (*2*)	In clause (*b*) the words "contractors or".
	Clause (*f*).
	In clauses (*m*) to (*r*) the word "contractors", wherever it occurs.
S. 163 (*3*)	The word "contractor", in both places where it occurs.
Ss. 165 to 168	The whole.
S. 171	The words and figures "section 55 or".
S. 174	Clause (*a*).
S. 175	The whole.

W. H. VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Governor General of India in Council received the assent of the Governor General on the 25th March, 1915, and is hereby promulgated for general information :—

ACT No. IX OF 1915.

An Act further to amend the Sea Customs Act, 1878.

WHEREAS it is expedient further to amend the Sea Customs Act, 1878; It is hereby enacted as follows :— VII of 1878.

1. This Act may be called the Sea Customs (Amendment) Act, 1915. Short title.

2. In the proviso to section 37 of the Sea Customs Act, 1878, for the words "on which application is made to clear such goods from the warehouse for home consumption" the following shall be substituted, namely, "of the actual removal of such goods from the warehouse in the case of goods delivered out of a warehouse for home consumption, and in the case of goods delivered out of a warehouse for removal under bond to be re-warehoused where the duty is paid on such goods without their being re-warehoused, the rate and valuation (if any) in force on the date on which duty is paid." Amendment of section 37, Act VIII of 1878. VIII of 1878.

W. H. VINCENT,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 10, 1915.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 24th February, 1915 :—

No. 4 OF 1915.

A Bill to extend the powers of the Governor General in Council during the continuance of the present war to make rules under the Indian Patents and Designs Act, 1911.

II of 1911.

1. (*1*) This Act may be called the Indian Patents and Designs (Temporary Rules) Act, 1915.

Short title, extent, etc.

(*2*) It extends to the whole of British India including British Baluchistan and the Santhal Parganas.

(*3*) This Act and the rules made thereunder shall be in force during the continuance of the present war and for a period of six months thereafter.

2. In this Act the expression 'subject of any State at war with His Majesty' includes—

Definitions.

(*i*) any person resident and carrying on business in the territory of a State at war with His Majesty; and

(*ii*) with reference to a company, any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's dominions.

3. (*1*) The power of the Governor General in Council under section 77 of the Indian Patents and Designs Act, 1911, to make rules shall include power to make rules—

Power to make rules.

II of 1911.

(*a*) for avoiding or suspending in whole or in part any patent or licence, the person entitled to the benefit of which is the subject of any State at war with His Majesty;

(*b*) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any design the proprietor whereof is a subject as aforesaid ;

(*c*) for avoiding or suspending any application made by any such person under the said Act ;

(*d*) for enabling the grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as may be thought fit, of licences to make, use, exercise, or vend, patented inventions and registered designs so liable to avoidance or suspension as aforesaid ; and

(*e*) for extending the time within which any act or thing may be or is required to be done under the said Act.

(*2*) If the rules made under this Act so provide, the rules or any of them shall have effect from the passing of this Act.

(*3*) All rules made under this Act shall be published in the *Gazette of India*, and on such publication shall have effect as if enacted in this Act.

Power in case of exclusive privileges under Act V of 1888.

4. The power to make rules conferred by section 3 (*1*) (*a*) and (*d*) of this Act shall be exercisable in respect of any exclusive privilege acquired under the Inventions and Designs Act, 1888, as if such exclusive privilege had been a patent granted under the Indian Patents and Designs Act, 1911. V of 1888. II of 1911.

STATEMENT OF OBJECTS AND REASONS.

IT is considered desirable, during the present hostilities, that power should be taken to refuse to receive applications for the grant of patents or registration of designs from persons who are subjects of a State at war with His Majesty, and to order the avoidance or suspension of patents or designs held or registered by or for the benefit of such subjects, and to enable the grant of compulsory licences to persons other than such subjects. The Bill empowers the Governor General in Council to make rules for the purpose of carrying out the above objects.

2. The Bill is on the same lines as the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914 (4 and 5 Geo. 5, c. 27), as amended by the Patents, Designs, and Trade Marks Temporary Rules (Amendment) Act (4 and 5 Geo., c. 73).

W. H. CLARK.

The 18th February, 1915

W. H. VINCENT,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 31, 1915.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th March 1915 :—

No. 6 OF 1915.

A Bill further to amend the Inland Steam-vessels Act, 1884.

I of 1884. WHEREAS it is expedient further to amend the Inland Steam-vessels Act, 1884; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Inland Steam-vessels (Amendment) Act, 1915.

I of 1884. Amendment of section 11 (4) (a) of Act VI of 1884. **2.** In section 11, sub-section (4), clause (*a*), of the Inland Steam-vessels Act, 1884 (hereinafter called the said Act), the words "with the previous sanction of the Governor General in Council" and in clause (*b*) of the same sub-section the words "of its own authority" shall be omitted.

Amendment of sections 23 and 24 of the said Act. **3.** In sections 23 and 24 of the said Act after the words "Local Government," where these words occur in the said sections, the words "or such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf" shall be inserted.

Amendment of sections 25 and 27 of the said Act. **4.** In sections 25 and 27 of the said Act for the words "the Local Government" the following shall be substituted, namely :—

(*a*) in section 25 the words "the authority empowered to grant such certificate".

(*b*) in section 27 the words "the authority".

Substitution of new section for section 29A of the said Act. **5.** For section 29A. of the said Act the following shall be substituted, namely :—

"29A. Certificates of competency or service granted under this Act shall have effect as follows, namely :—

Area in which certificates shall have effect.

(*i*) A certificate of competency or service as engineer or engine-driver shall have effect throughout British India.

(*ii*) A certificate of competency or service as master or serang shall have effect throughout the province in which it was granted : Provided that the

authority empowered to grant such certificates in any other province may endorse any such certificates which shall thereupon have effect in such other province subject to such conditions and restrictions (if any) as may be specified in the endorsement".

Amendment of sections 30, 33 and 56 of the said Act.

6. (*1*) In section 30, clause (*c*), of the said Act, after the words "steam-vessel" the words "has collided with or" shall be inserted.

(*2*) After the word "casualty", where it occurs for the second time in section 30, and wherever it occurs in sections 33 and 56, the word "collision" shall be inserted.

Amendment of sections 33, 34, 35 and 36 of the said Act.

7. (*1*) In sections 33, 34, 35 and 36 of the said Act for the words "master, engineer or engine-driver", wherever these words occur in the said sections, and for the words "master or engineer or engine-driver" in section 34, sub-section (*2*), the words "master, engineer or engine-driver or any person holding a certificate granted under Chapter III" shall be substituted.

(*2*) In section 34, sub-section (*1*), the words "of an inland vessel" shall be omitted.

Substitution of new section for section 43 of the said Act.

8. For section 43 of the said Act the following section shall be substituted, namely :—

"43. Any certificate granted under Chapter III may be suspended or cancelled by the Local Government by which or under authority from which it was granted or by any other Local Government in the following cases, that is to say :—

Power for Local Government to suspend or cancel certificates in certain cases.

(*a*) If, on any investigation made under this Act, the Court reports that the collision with, or the wreck or abandonment of, or loss or damage to, any inland steam-vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or

(*b*) If the holder of such certificate is proved to have been convicted of any non-bailable offence, or

(*c*) If, in the case of a second-class master or serang, or of an engine-driver, the master or serang, or the engine-driver, is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be :

Provided that a certificate shall not be suspended or cancelled under clause (*a*) unless the Local Government is satisfied that the holder of the certificate has been furnished before the commencement of the investigation with a copy of the report or statement required by section 33 or section 34, as the case may be".

Amendment of sections 44 and 57 of the said Act.

9. In sections 44 and 57 of the said Act for the words "master, engineer or engine-driver" the word "person" shall be substituted.

Amendment of section 45 of the said Act.

10. In section 45 of the said Act for the words "which granted the certificate", wherever they occur, the words "by which or under authority from which such certificate was granted" shall be substituted.

Insertion of new Chapter in the said Act.

11. After Chapter VI the following shall be inserted, namely :—

"CHAPTER VIA.

GENERAL RULE-MAKING POWER.

Power to make general rules.

50B. (*1*) The Local Government may make rules to carry out the purposes of this Act not otherwise specially provided for.

(*2*) Rules under this section may provide for the following among other matters, that is to say :—

(*a*) the speed at which inland steam-vessels may be navigated in specified areas.

(*b*) the regulation of the navigation of such vessels to prevent danger to other vessels or to the banks, channels, navigation marks or any property moveable or immoveable in or abutting on navigable channels.

(*3*) Any rules made under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."

Amendment of section 67 of the said Act.

12. In section 67 of the said Act for the words "or the Government of India" the following shall be substituted, namely :—

"and nothing in Chapter II or VII or any rule made thereunder or in sections 52, 53, 54, 54A or 60 shall apply to any vessel in the service of the Government of India".

Amendment of section 69 (*5*) of the said Act.

13. In section 69, sub-section (*5*), of the said Act for the words "under this Act" the words "under sub-section (*1*) of section 21 or sub-section (*1*) of section 29" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

SECTION 29-A of the Inland Steam-vessels Act, 1884, provides that certificates of competency and service granted to Masters, Engineers, etc., of Inland Steam-vessels under that Act shall have effect throughout British India. The Government of Bengal pointed out in 1912 that, although a knowledge of the river Hugli is essential for Masters in charge of Inland Steam-vessels in Bengal, there is no guarantee that the holders of certificates granted elsewhere, who are entitled equally with the holders of Bengal certificates to pursue their profession on Inland Steam-vessels in Bengal, will possess this knowledge.

2. The Local Government suggested, therefore, that the section should be amended so as to limit the validity of certificates of competency to the province administered by the Local Government which granted them, unless they were specially extended to other provinces by that Local Government.

3. The Government of India consulted other Local Governments on this proposal, and invited suggestions with regard to any other difficulties arising in the administration of the Act. On receipt of the replies, the Government of India decided to amend the Act in such directions as appeared to be desirable in view of the recommendations of Local Governments. The precise amendments proposed are explained in the *Notes on Clauses*.

W. H. CLARK.

The 12th March, 1915.

Notes on Clauses.

Clauses 2 and 13.—It has been decided in connection with the recommendations of the Royal Commission on Decentralization that the previous sanction of the Governor General in Council for which provision is made in respect of delegations under section 11 (*4*) (*a*) of the Act and in respect of rules under sections 29 (*2*), 50 (*1*), 50-A., 51 and 51-A should be dispensed with. Provision for the previous sanction of the Governor General in Council has been retained only where such control is desirable in order to secure uniformity of practice.

Clause 3.—With reference to sections 23 and 24 of the Act, it has been represented that the Local Government is in practice invariably guided by the advice of the Port Officer in connection with the issue of certificates of competency to masters, serangs, engineers and engine-drivers. In the circumstances, it is convenient to empower Local Governments to delegate their functions under these sections to an officer appointed in this behalf.

Clause 4.—The amendments here proposed are consequential on those proposed in clause 3.

Clause 5.—The new section 29-A is designed to limit the validity of masters' or serangs' certificates of competency or service to the provinces in which they are granted with the proviso that they shall be valid in any other province also if so endorsed by the authority empowered under the Act to grant certificates in such province. This will ensure that masters and serangs will not be in a position to take command of inland steam-vessels unless they have such knowledge of local conditions as is considered to be sufficient. No such local knowledge is required in the case of engineers and engine-drivers, and their certificates will remain valid throughout India as before.

Clause 6.—Section 30 (*c*) requires the master of a vessel to give notice to the nearest police-station when his vessel has caused loss or material damage to any other vessel. It has been suggested that masters should be required to give notice in every instance of collision whether such loss or material damage has occurred or not. The proposed amendment of section 30 will, it is hoped, tend to ensure stricter observance of the navigation rules by inland steam-vessels. This necessitates consequential amendments to sections 33 and 56.

Clauses 7 and 8.—It sometimes occurs in practice that a person possessing a serang's certificate of competency, but subordinate to the master, is temporarily in charge of an inland steam-vessel. It has been held that, as the Act now stands, his certificate cannot be cancelled for incompetency displayed while he is thus in charge, as he is not the master of the vessel within the meaning of the Act. It is desirable that such cases should be dealt with under the Act, and power has accordingly been taken to investigate a charge of incompetency or misconduct against any person possessing a certificate granted under the Act and to deal with any such certificate.

Clause 9.—The amendment proposed is consequential on that proposed in clauses 7 and 8.

Clause 10.—The amendment is consequential on that proposed in clause 3.

Clause 11.—It has been found desirable to make rules with reference to the speed at which vessels should travel, as the practice of steaming at excessive speed has led in some cases to erosion of the banks. The Act contains no provision enabling this to be done, nor does it confer any general authority to make rules to carry out the purposes of the Act. It is proposed to empower Local Governments in this behalf in the manner indicated in this clause.

Clause 12.—A case occurred in which the Commander of a Government vessel was charged with, and found guilty of, rash and negligent conduct. It was held, however, that his certificate could not be dealt with unless an investigation were held in accordance with Chapter IV of the Act, and that no such investigation would be legal inasmuch as section 67 bars the application of the Act to Government vessels. In order to remedy this defect, it is proposed to apply to Government vessels the provisions of the Act relating to the conduct of investigations and the cancellation of certificates of competency. In view of this extension, it also appears necessary to extend to Government vessels the provisions of Chapter I, which contains definitions and of Chapter III relating to the grant of certificates and the employment of properly certificated officers. It is considered desirable also to apply to Government vessels the provisions of Chapter VI relating to protection from fire and collision and the relevant sections in Chapter VIII regarding penalties.

W. H. VINCENT,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 7, 1915.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd March, 1915.

No. 9 OF 1915.

A Bill to establish and incorporate a teaching and residential Hindu University at Benares.

WHEREAS it is expedient to establish and incorporate a teaching and residential Hindu University at Benares and to dissolve the Hindu University Society, a society registered under the Societies Registration Act, 1860, and to transfer to, and vest in, the said University all property and rights now vested in the said Society; it is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Benares Hindu University Act, 1915.

(*2*) It shall come into force on such date as the Governor-General in Council may direct by notification in the Gazette of India.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Constituent College" means any college or institution maintained or admitted to privileges by the University ;

(*b*) "Council" means the University Council ;

(*c*) "Court" means the University Court ;

(*d*) "Faculty" means a Faculty of the University ;

(*e*) "Regulations" means the Regulations of the University for the time being in force ;

(*f*) "Senate" means the Senate of the University ;

(*g*) "Statutes" means the Statutes of the University for the time being in force ; and

(*h*) "University" means the Benares Hindu University.

Incorporation.

3. (*1*) The persons mentioned in Schedule I being the First Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, and the first members of the Court and Senate and all persons who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Benares Hindu University.

(*2*) The University shall have perpetual succession and a common Seal, and shall sue and be sued by the name first aforesaid.

(*3*) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific as well as

agricultural, technical, commercial and professional, of furthering the prosecution of original research and of giving instruction in Hindu theology and religion and of promoting the study of literature, art, philosophy, history, medicine and science and of imparting physical and moral training.

University open to all castes and creeds save as regards religious instruction.

4. (*1*) The University shall, subject to the Regulations, be open to persons of all castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only.

(*2*) Instruction in Hindu religion shall, in the case of Hindu students, be compulsory and shall be confined to them.

(*3*) Special arrangements shall, if funds are provided for this purpose by the Jain or Sikh communities, be made for the religious instruction of Jain or Sikh students.

Patron and Vice-Patrons.

5. The Governor-General of India for the time being shall be the Patron of the University; and such persons as may be specified in the Statutes shall be the Vice-Patrons thereof.

Visitor.

(*1*) The Lieutenant-Governor for the time being of the United Provinces of Agra and Oudh shall be the Visitor of the University.

(*2*) The Visitor shall have the right of inspecting the University and its constituent Colleges generally and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Statutes and Regulations. The Visitor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Statutes and Regulations.

Authorities and officers of the University.

7. The following shall be the authorities and officers of the University :—

I.—The Chancellor,

II.—The Pro-Chancellor,

III.—The Vice-Chancellor,

IV.—The Pro-Vice-Chancellor,

V.—The Court,

VI.—The Council,

VII.—The Senate,

VIII.—The Syndicate,

IX.—The Faculties and their Deans,

X.—The Registrar,

XI.—The Treasurer, and

XII.—Such other authorities and officers as may be provided for by the Statutes.

Powers and duties of officers, terms of office and filling of casual vacancies.

8. Subject to the provisions of this Act the powers and duties of the officers of the University, the term for which they shall hold office and the filling up of casual vacancies in such offices shall be provided for by the Statutes.

The Court.

9. (*1*) The Court shall be the supreme governing body of the University in administrative matters, and shall have power to review the acts of the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes :

Provided that, save in the case of the first Court, no person not being a Hindu shall become or be appointed a member of the Court.

The Council.

10. (*1*) The Council shall be the executive body of the Court and shall consist of not more than thirty elected members :

Provided that five members shall be members of the Senate elected by the Senate.

(*2*) The Council shall exercise such powers and perform such duties as may be vested in it by the Statutes.

The Senate.

11. (*1*) The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations, shall have entire charge of the organization of instruction in the University and the constituent Colleges, the curriculum and the examination and discipline of students and the conferment of ordinary and honorary degrees.

(*2*) The Senate shall ordinarily consist of not less than fifty members.

The Syndicate.

12. (*1*) The Syndicate shall be the executive body of the Senate and shall consist of seventeen members :

Provided that ten at least of the members of the Syndicate, other than *ex-officio* members, shall be University Professors, Principals or Professors of constituent Colleges.

(*2*) The Syndicate shall exercise such powers and perform such duties as may be vested in it by the Statutes.

Audit of accounts.

13. (*1*) The accounts of the University shall once at least in every year and at intervals of not more than fifteen months be audited by auditors appointed by the Court :

Provided that no person shall be appointed an auditor in the exercise of this power unless he is qualified in accordance with the provisions of the Indian Companies Act, 1913, to audit accounts of companies under that Act.

(*2*) The accounts when audited shall be published together with the auditor's report and a copy thereof shall be submitted to the Visitor.

Permanent reserve to cover recurring charges.

14. The University shall invest and keep invested in securities in which trust funds may be invested, in accordance with the provisions of the law relating to trusts in British India, a sum of fifty lakhs of rupees as a permanent endowment to meet the recurring charges of the University :

Provided that the sum in question may be temporarily reduced during any year by such sum as represents the capital value ascertained at a rate of interest of 3½ per cent on the amount received by the University in the previous year as annual grants from the revenues of any Native State :

Provided further that for the first year after the commencement of this Act such sum may be

reduced by such sum calculated as aforesaid as represents the capital value of the amount received by the Hindu University Society from such annual grants in the year prior to the commencement of this Act.

Maintenance and admission to privileges of colleges.

15. (*1*) The Central Hindu College, Benares, shall be deemed to be a college maintained by the University, and the University may found and maintain colleges and institutions in Benares for the purposes of carrying out instruction and research.

(*2*) With the approval of the Senate and the sanction of the Visitor and subject to the Statutes and Regulations the University may admit colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit.

Recognition of degrees.

16. The degrees, diplomas, certificates and other academic distinctions granted by the University shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor-General in Council.

Statutes.

17. (*1*) Subject to the provisions of this Act the Statutes may provide for any or all of the following matters, namely :—

(*a*) the constitution, powers and duties of the Court, the Council, the Senate, the Syndicate and such other bodies as it may be deemed necessary to constitute from time to time ;

(*b*) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members and the filling of vacancies of members and all other matters relative to those bodies which it may be necessary or desirable to provide ;

(*c*) the appointment and duties of the necessary officers of the University ; and

(*d*) all other matters relating to the administration of the University.

(*2*) The first Statutes shall be those set out in Schedule II.

(*3*) The Court may from time to time make new or additional Statutes or may amend or repeal the Statutes.

(*4*) The Council shall have power to draft or propose to the Court Statutes to be made by the Court, and it shall be the duty of the Court duly to consider the same.

(*5*) All new Statutes or additions to the Statutes or amendments or repeals to Statutes shall require the previous approval of the Visitor, who may sanction, disallow, or remit for further consideration :

Provided that no Statute making a change in the constitution of the Court, the Council, the Senate or the Syndicate as provided for in the first Statutes, shall be made without the previous sanction of the Governor-General in Council.

Regulations.

18. (*1*) Subject to the provisions of this Act and the Statutes the Regulations may provide for any or all of the following matters, namely :—

(*a*) the payment and amount of fees to the University or in relation to the enjoyment of privileges therefrom ;

(*b*) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same ;

(*c*) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;

(*d*) the tenure of office and terms and manner of appointments and the duties of the examiners and examining boards, the discipline to be enforced in regard to the graduates and under-graduates ;

(*e*) the removal from membership of the University of graduates and under-graduates ;

(*f*) the admission of students to the University and their examination ; and

(*g*) all such other subjects as are required or authorised by the Act or Statutes to be prescribed by means of Regulations.

(*2*) The first Regulations shall be framed as directed by the Governor-General in Council and shall receive his previous approval.

(*3*) The Senate from time to time may make new or additional Regulations, or amend or repeal Regulations.

(*4*) The Syndicate shall have power to draft or propose to the Senate Regulations to be made by the Senate, and it shall be the duty of the Senate to consider the same.

(*5*) All new Regulations or additions to the Regulations, or amendments or repeals to Regulations, shall require the previous approval of the Visitor, who may sanction, disallow or remit for further consideration :

Provided that no Regulation making a change in the first Regulations as to the admission of students to the University shall be made without the sanction of the Governor-General in Council.

Emergency powers of the Governor-General in Council.

19. (*1*) If at any time the Governor-General in Council is of opinion that special reasons exist which make the removal of any member of the teaching staff desirable in the interest of the University, or that as a special measure the appointment of certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation and call upon that body to offer such explanation as it may desire to offer, with any proposals which it desires to make, within such time as he may prescribe.

(2) If the Council fails to offer any explanation within the time prescribed, or offers an explanation or makes proposals which in the opinion of the Governor-General in Council is or are unsatisfactory, the Governor-General in Council may issue such instructions as appear to him to be necessary and desirable in the circumstances of the case, and the Court shall give effect to such instructions.

Dissolution and transfer of property of the Hindu University Society.

20. (1) From the commencement of this Act the Hindu University Society shall be dissolved and all property, moveable and immoveable, and all rights, powers and privileges of the Hindu University Society which, immediately before the commencement of this Act, belonged to or were vested in the said Society, shall vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

(2) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the Central Hindu College or the said Society shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said College or Society.

SCHEDULE I.

[SEE SECTION 3.]

The first Chancellor.

The first Pro-Chancellor.

The first Vice-Chancellor.

The first Pro-Vice-Chancellor.

The first Court.

The first Senate.

SCHEDULE II.

[SEE SECTION 17 (2).]

First Statutes of the University.

Definitions.

1. (1) In these Statutes —

"The Act" means the Benares Hindu University Act, 1915.

(2) All words and expressions used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act.

Membership of the University.

2. (1) The following persons shall be members of the University, namely :—

(i) The officers of the University.

(ii) The members of the University authorities.

(iii) The members of the teaching staff.

(iv) The Graduates.

(v) The Under-graduates

(2) Membership of the University shall c tinue so long only as one at least of the qualifi tions above enumerated shall continue to possessed by the individual member.

The Chancellor.

3. (1) The successors to the first Chance shall be elected by t Court.

(2) The Chancellor shall hold office for thi years.

Powers of the Chancellor.

4. (1) The Chancellor shall, by virtue of office, be the head of t University.

(2) The Chancellor shall, if present, preside a the Convocation of the University for conferrin degrees, and at all other meetings of th University.

(3) The Chancellor may, on the recommend tion of the Senate, appoint Rectors, being perso of eminent position or attainment.

The Pro-Chancellor.

5. (1) The successors to the first Pro-Chance shall be elected by the Co from among its own member

(2) The Pro-Chancellor shall hold office f one year.

(3) Casual vacancies in the office of the P Chancellor shall be filled up by the Chancellor the recommendation of the Council. The pers so appointed shall hold office till the next annu election.

Powers of the Pro-Chancellor.

6. The Pro-Chancellor may, in the absence o the Chancellor or pendi a vacancy in the office of Chancellor, exercise the functions of the Chancellor, except the conferring of degrees, an preside at any meetings of the Court and Council.

The Vice-Chancellor.

7. (1) The successors to the first Vice-Chancellor shall be elected by the Court from among its ov members. Such appointment shall be subject t approval by the Visitor.

(2) The Vice-Chancellor shall hold office f three years.

(3) Casual vacancies in the office of Vic Chancellor shall be filled by election by the Cou subject to approval by the Visitor. Until th election of a new Vice-Chancellor the Pro-Vice Chancellor shall perform the duties of the Vice-Chancellor.

Powers of the Vice-Chancellor.

8. (1) The Vice-Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor and shall be *ex-officio* Chairman of the Council, the Senate and the Syndicate. H shall be the principal Executive and Academ Officer of the University and shall, in the abse of the Chancellor, preside over the Convocation confer degrees.

(2) It shall be the duty of the Vice-Chancel to see that the Act, the Statutes and the Regul tions are faithfully observed.

(3) The Vice-Chancellor shall have power to convene any meetings of the Court, the Council the Senate and the Syndicate and to perform al

ch acts as may be necessary to carry out or rther the provisions of the Act, the Statutes and ie Regulations.

(4) If any emergency arises which, in the pinion of the Vice-Chancellor, requires that mmediate action should be taken, the Vice-hancellor shall take such action as he deems ecessary and shall report the fact to the autho-ity which in the ordinary course would have dealt with the matter.

The Pro-Vice-Chancellor.

9. (1) The successors to the first Pro-Vice-Chancellor shall be elected by the Court. The appointment shall be subject to approval by the Visitor.

(2) He shall hold office for such period and under such conditions as shall from time to time be determined by the Court.

(3) Casual vacancies in the office of the Pro-Vice-Chancellor shall be filled by the Vice-Chancellor with the approval of the Chancellor and the Visitor. The person so appointed shall hold office till the next meeting of the Court.

Powers of the Pro-Vice-Chancellor.

10. The Pro-Vice-Chancellor shall be *ex-officio* Secretary of the Court and the Council. He shall, in the absence of the Vice-Chancellor, preside at meetings of the Senate and the Syndicate. He shall be the executive assistant of the Vice-Chancellor in all matters affecting the discipline of the students.

The Registrar.

11. (1) The Registrar shall be a whole-time paid officer of the University. He shall be *ex-officio* Secretary of the Senate and the Syndicate.

(2) He may be a member of the Senate, but shall not be a member of the Syndicate.

(3) He shall be appointed in such manner and on such terms and conditions, and shall have such powers and perform such duties, as may be prescribed by the Statutes.

The Treasurer.

12. (1) The Treasurer shall be appointed by the Court. He shall hold office for the term of one year.

(2) If the office of Treasurer become vacant by his death or resignation or any other cause, before the expiration of his period of office, the Council shall forthwith elect a Treasurer in his place for the remainder of such period.

(3) The receipt of the Treasurer for any money payable to the University shall be sufficient discharge for the same.

The Court.

13. Subject to the provisions of the Act the Court shall consist of the following persons, namely:—

Class I.—Donors and their representatives.

(*a*) Every Indian Prince or Chief contributing a donation of three lakhs of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer, and, after his decease, his successor for the time being holding his position as such Prince or Chief shall be a life-member.

(*b*) Every person contributing to the University a donation of one lakh of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer.

(*c*) Every person contributing to the University a donation of ₹10,000 or upwards, or transferring property of the like value, shall be a member for a period of ten years from the date of the receipt of his donation or of the transfer.

(*d*) Every person who is a life-member in virtue of clause (*a*) may from time to time nominate one member. The member so nominated shall continue in office for such period as the nominator may specify to the Registrar, provided that his membership shall determine on the death of the nominator.

(*e*) One person to be appointed by each donor, mentioned in clause (*b*), shall hold office for five years.

(*f*) One person appointed by or under the will of a donor who makes a bequest of ₹10,000 or upwards shall be a member for a period of five years from the receipt of the bequest.

Class II.—Elected Members.

(*a*) Ten persons to be elected by the registered graduates of the University from such date as the Court may fix.

(*b*) Thirty persons to be elected by registered donors of ₹500 or upwards, but under ₹10,000 :

Provided that when the number of such donors falls below one hundred there shall be no election.

(*c*) Ten persons to be elected by the Senate.

(*d*) Fifteen representatives of Hindu religion and Sanskrit learning to be elected by the Court.

(*e*) Ten persons to be elected by the Court to represent Jain and Sikh communities.

(*f*) Ten persons to be elected by the Court to represent the learned professions.

(*g*) Such other persons, not exceeding twenty in number, as may be elected by the Court.

(2) When any electoral body entitled to elect a member or members fails to do so within the time prescribed by the Court, the Court may appoint any qualified person of the class from which such electoral body was entitled to elect.

(3) Save when otherwise expressly provided, members shall hold office for five years :

Provided that as nearly as may be one-fifth of the total number of the members of the first Court shown in each of the heads of Class II of Schedule I to the Act shall retire by ballot at the end of each year for the first four years.

(4) All casual vacancies among the appointed or elected members shall be filled as soon as conveniently may be by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which the person in whose place he is appointed or elected was a member.

14. The Court shall exercise control over the Senate through the Council and not otherwise, and over the Faculties through the Council and Senate and not otherwise, and over the Council by means of Statutes and Resolutions passed at a meeting of the Court and not otherwise.

Exercise of control by the Court.

15. As soon as may be after the commencement of the Act, the first Court shall assemble in order to make the necessary appointments and elections for the purpose of the Act and Statutes.

Meetings of the Court.

(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by resolution at a previous annual general meeting, on such day and at such hour as shall be appointed by the Council. And at such yearly meeting a report of the proceedings of the Council and of the University, together with a statement of the receipts and expenditure and the balance sheet as audited shall be presented by the Council to such meeting, and any vacancies among the officers of the University or among the members of the Court or Council which ought to be filled up by the Court shall be filled up.

(3) A copy of the statement of receipts and expenditure and of the balance sheet referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the yearly meeting and shall be open to the inspection of all persons at the office of the University during the year following such yearly meeting, at such reasonable hours and under such conditions as the Council may determine.

(4) Twenty members of the Court shall form a quorum.

(5) Special General Meetings of the Court may be convened by the Council at any time.

16. The Council shall consist of the following persons, namely :—

The Council.

(*i*) The Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

(*ii*) Not more than thirty elected members, of whom five shall be members of the Senate elected by the Senate, and the remainder members of the Court elected by the Court.

(2) Not less than five of the members to be elected by the Court shall be residents of places outside the United Provinces of Agra and Oudh.

(3) At the first election of members of the Council by the Court, it shall proceed in the first place to elect twenty members. The Court shall, as soon as the result of the election is declared proceed to determine the province, or provinces or States, from among the residents of which the remaining five members are to be elected, and assign to each province or State the number of member or members to be elected.

(4) At each subsequent election, as nearly as may be, four-fifths of the vacancies shall be first filled up. The remaining one-fifth of the vacancies shall then be filled up to secure representation of Provinces and States, on the same lines *mutatis mutandis* as provided in sub-section (3).

(5) The elected members of the Council shall hold office for the term of three years :

Provided that at the first yearly meeting of the Court, and at the second yearly meeting of the Court, as nearly as may be, one-third of the elected members shall retire by ballot.

(6) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(7) Seven members of the Council shall form a quorum.

17. The Council shall, subject to the control of the Court, have the management and administration of the whole revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Powers of the Council.

(2) Subject to the Act, the Statutes and any Regulations made in pursuance thereof the Council shall, in addition to all other powers vested in it, have the following powers, namely :—

(*i*) To appoint from time to time Principals of constituent Colleges and such University Professors, Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff, as may be necessary, on the recommendation of the Board of Appointments.

(*ii*) In the case of other appointments, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may, from time to time, by general or special resolution, direct.

(*iii*) To manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit.

(*iv*) To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, shares, or securities, as it shall from time to time think fit, or in the purchase of immoveable property in India, with the like power of varying such investments from time to time.

(*v*) To transfer or accept transfers of any moveable or immoveable property on behalf of the University.

(*vi*) To provide the buildings, premises, furniture, and apparatus, and other means needed for carrying on the work of the University.

(*vii*) To enter into, vary, carry out, and cancel contracts on behalf of the University.

(*viii*) To entertain, adjudicate upon, and, if thought fit, redress any grievances of the officers of the University, the Professors, the Teaching Staff, the Graduates, Under-graduates and the University Servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court.

(*ix*) To maintain a register of donors to the University.

(*x*) To select a Seal for the University, and provide for the custody and use of the Seal.

18. The Senate shall ordinarily consist of not less than fifty members, of whom not less than three-fourths shall be Hindus, and shall include the following persons, namely :—

The Senate.

I. Ex-officio members.

(*a*) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.

(*b*) The University Professors.

(*c*) The Principals or heads of constituent Colleges of the University.

II. Elected members.

(*a*) Five members to be elected by the Court.

(*b*) Five members to be elected by the registered graduates of the University from such date as the Court may fix.

(*c*) Five representatives of Hindu religion and Sanskrit learning to be elected by the Senate.

(*d*) Should the Vice-Chancellor declare that there is a deficiency in the number of members required in any faculty or faculties, then five or less persons elected by the Senate, eminent in the subject or subjects of that faculty or those faculties.

III. Nominated members.

(*a*) Five members to be nominated by the Visitor.

(*2*) The elected and nominated members of the Senate shall hold office for five years :

Provided that, as nearly as may be, one-fifth of the total number of the members of the first Senate shown in each of the heads under Class II and of those shown in Class III of Schedule I to the Act shall retire by ballot at the end of each year for the first four years.

(*3*) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.

(*4*) Fifteen members of the Senate shall form a quorum.

Powers of the Senate.

19. The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations of the University, shall have entire charge of the organization of instruction, the curriculum and the examination and discipline of students (save so far as matters of discipline rest with the Pro-Vice-Chancellor and the heads of colleges) and the conferment of ordinary and honorary degrees.

(*2*) Subject to the Act and the Statutes and any Regulations made in pursuance thereof the Senate shall, in addition to all other powers vested in it, have the following powers, namely :—

(*i*) To report on any matter referred to or delegated to them by the Court or the Council.

(*ii*) To discuss and declare an opinion on any matter whatsoever relating to the University.

(*iii*) To make recommendations to the Council or to the Board of Appointments as to the removal of any Professor or Teacher of the University, or as to the appointment of additional Professors or Teachers.

(*iv*) To formulate and modify or revise schemes for the organization of Faculties of the University, and to assign to such Faculties their respective subjects, and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty.

(*v*) To fix, subject to any conditions made by the Founders which are accepted by the Court, the times and mode of awarding the conditions of competition for Fellowships, Scholarships, and other Prizes, and to award the same.

(*vi*) To promote research within the University and to require, from time to time, reports on such research.

(*vii*) To maintain a register of graduates.

The Syndicate.

20. (*1*) The Syndicate shall be the executive body of the Senate and shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor and fifteen persons elected by the Senate, of whom not less than ten shall be University Professors or Principals or Professors of constituent Colleges.

(*2*) The elected members of the Syndicate shall hold office for three years :

Provided that, as nearly as may be, one-third of the elected members of the first Syndicate shall retire by ballot at the end of each year for the first two years.

(*3*) All casual vacancies among elected members may be filled up by the Senate.

(*4*) Five members of the Syndicate shall be a quorum.

Duties of the Syndicate.

21. It shall be the duty of the Syndicate, subject to the revision and control of the Senate,—

(*i*) to order examinations in conformity with the Regulations, and to fix dates for holding them ;

(*ii*) to appoint Examiners, and, if necessary, to remove them, and, subject to the approval of the Council, to fix their fees, emoluments and travelling and other allowances, and to appoint Boards of Examiners and Moderators ;

(*iii*) to appoint whenever necessary Inspectors or Boards of Inspectors for inspecting constituent Colleges and Colleges applying for admission to the privileges of the University ;

(*iv*) to declare the results of the various University Examinations, and to recommend for degrees, honours, diplomas, licences, titles and marks of honour ;

(*v*) to award stipends, scholarships, medals, prizes and other rewards, in conformity with the Regulations and the conditions prescribed for their award ;

(*vi*) to consider and make such reports or recommend such action as may be deemed necessary on proposals or motions brought forward by the members of the Senate and Faculties, for consideration by the Senate ;

(*vii*) to publish lists of prescribed, or recommend, text books and courses of study ;

(*viii*) to prepare such forms and registers as are, from time to time, prescribed by the Regulations ; and, generally,

(*ix*) to perform all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, and the Statutes and Regulations or the resolutions of the Senate.

The Faculties.

22. The University shall include the Faculties of—(1) Oriental learning, (2) Theology, (3) Arts, (4) Science, Pure and Applied, (5) Law ; and, as soon as the Visitor is satisfied that sufficient funds are available for the purpose, of (6) Technology, (7) Commerce, (8) Medicine and Surgery, (9) Agriculture, and other Faculties.

(*2*) The Senate shall annually assign its members to the different Faculties :

(*3*) The method of assignment of members to the Faculties, the meetings of the Faculties, and their power of co-opting additional members shall be provided for by Regulations ;

Provided that the members assigned to the Faculty of Theology shall all be Hindus.

Powers of Faculties.

23. The Faculties shall have such powers, and shall perform such duties, as may be assigned to them by the Statutes and the Regulations, and shall, from time to time, appoint such and so many Boards of Studies, in different branches of knowledge as may be prescribed by the Regulations. They shall also consider and make such recommendations to the Senate on any question pertaining to their respective sphere of work as may appear to them necessary, or on any matter referred to them by the Senate.

(2) Five members, in the case of the Faculty of Arts, and three members, in the case of the other Faculties, shall constitute a quorum.

Convocations.

24. Convocations of the whole University for the conferring of degrees, or for other purposes, shall be held in a manner to be prescribed by Regulations.

Committees.

25. The Court, Council, Senate, Syndicate and the Faculties may, from time to time, appoint such and so many standing and special Committees or Boards as may seem to them fit, and may, if they think fit, place on them persons who are not members of the appointing bodies. Such Committees may deal with any subject delegated to them, subject to subsequent confirmation by the appointing body.

Board of Appointments.

26. The Board of Appointments shall consist of—

(*i*) The Vice-Chancellor.
(*ii*) The Pro Vice-Chancellor.
(*iii*) Two members to be elected by the Court.
(*iv*) Two members to be elected by the Council.
(*v*) Two members to be elected by the Senate.
(*vi*) Two members to be elected by the Syndicate.

(2) The elected members shall hold office for the term of two years. One member from each electing body, to be determined by ballot, shall retire at the end of the first year.

(3) The Vice-Chancellor shall preside at the meetings of this Board or, in his absence, the Pro-Vice-Chancellor, and, in the absence of both, the members present shall elect one of their number to preside at the meeting.

(4) The meetings of the Board shall be convened by the Vice-Chancellor, Pro-Vice-Chancellor, or by the Registrar, when so directed by the Syndicate.

(5) The Board shall consider and submit recommendations as to all appointments referred to it.

Acts during vacancies.

27. No act or resolution of the Court, the Council, the Senate, the Syndicate or the Faculties or any other authority shall be invalid by reason only of any vacancy in the body doing or passing it, or by reason of any want of qualification by, or invalidity in, the election or appointment of any *de facto* member of the body, whether present or absent.

Re-appointment and re-election.

28. Every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

Resignation.

29. Any member of the Court, the Council, the Senate or the Syndicate or any other University authority may resign by letter addressed to the Secretary in the case of the Court, and to the Registrar in all other cases.

Removal.

30. A member of the Court or the Senate may be removed from office on conviction of what in the opinion of the Court or the Senate, as the case may be, is a serious offence:

Provided that a resolution for the removal of any such member is approved by not less than two-thirds of the members present at the meeting of the Court or the Senate, as the case may be, at which such a resolution is proposed;

And provided further that such a resolution is confirmed by a like majority at a subsequent meeting of the Court or Senate, as the case may be.

STATEMENT OF OBJECTS AND REASONS.

The Hindu University Society having requested the foundation of a University and funds having been collected to this end, it is proposed to dissolve the said Society and to transfer its property and rights to a new body called the Benares Hindu University. The present Bill is designed to incorporate this University, to indicate its functions, to create its governing bodies and to define their functions. It also secures to the University the assurance of a permanent endowment and to Government the necessary powers of control. It permits the University to found and control colleges in Benares (in addition to the present Central Hindu College) and also to extend its privileges to other colleges in Benares. These colleges will be the constituent colleges of the University. The degrees conferred will be recognised by Government. Special features of the University will be the imparting of Hindu religious education to Hindus and the inclusion of faculties of oriental learning and Theology.

2. The Bill also provides for the making of Statutes and Regulations. The first statutes are scheduled to the Bill and consist of those which are necessary in order that the University may commence its work when the conditions necessary to its inception have been fulfilled.

3. The general terms of the Bill and the Statutes are the outcome of long negotiations and were finally discussed with a sub-committee appointed by the Hindu University Society.

HARCOURT BUTLER.

The 11th March, 1915.

W. H. VINCENT,
Secretary to the Government of India.